

THE NORTHERN WORLD

Kinship and Clientage

Highland Clanship 1454-1609



Alison Cathcart



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KINSHIP AND CLIENTAGE

THE NORTHERN WORLD

North Europe and the Baltic c. 400-1700 AD
Peoples, Economies and Cultures

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KINSHIP AND CLIENTAGE

Highland Clanship 1451-1609

BY

ALISON CATHCART



BRILL
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2006

On the cover: Detail from the map of the central Highlands from Joan Blaeu's Atlas of Scotland.
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Library of Congress Cataloging-in-Publication Data

Cathcart, Alison.

Kinship and clientage : Highland clanship, 1451-1609 / by Alison Cathcart.

p. cm. — (The Northern world, ISSN 1569-1462 ; v. 20)

Based on the author's thesis (Ph.D.—University of Aberdeen).

Includes bibliographical references (p.) and index.

ISBN 90-04-15045-5 (alk. paper)

1. Clans—Scotland—Highlands—History—15th century. 2.

Clans—Scotland—Highlands—History—16th century. 3. Scotland—Politics and government—1371-1707. 4. Highlands (Scotland)—History. I. Title. II. Series.

DA880.H6C38 2006

941.1'5—dc22

2005058205

ISSN 1569-1462
ISBN-13: 978 90 04 15045 4
ISBN-10: 90 04 15045 5

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Koninklijke Brill NV incorporates the imprints Brill Academic Publishers,
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*To Alex
for life*

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¹ Sheriffdom boundaries based on P.G.B. McNeill & H.L. MacQueen (eds.), *Atlas of Scottish History to 1707* (Edinburgh, 1996), 208–9.

ACKNOWLEDGEMENTS

In writing a book that focuses on ties of kinship and clientage, it is only fitting that I should thank my own network of institutions, colleagues, friends and family that have supported me in this process. This work began almost a decade ago as a Ph.D. thesis at the University of Aberdeen although ongoing research and the development of my ideas has resulted in a book that bears little resemblance to the original thesis. During this period I have been supported and assisted by many who deserve acknowledgement.

To begin with I would like to express my thanks to the Faculty of Arts and Divinity at the University of Aberdeen for payment of fees for my Ph.D., without which I could not have undertaken the original research, as well as the School of History, University of Aberdeen, the Royal Historical Society, the Strathmartine Trust and the School of History, University of St Andrews, for financial assistance towards numerous research trips, production of family trees, maps and illustrations. Thanks also to the Strathmartine Trust for giving me space to write. During my lengthy research trips I benefited enormously from the kind assistance of the staff of a number of archives, but special mention must go to the staff of the National Archives of Scotland and the Highland Regional Archives, all of whom have been incredibly helpful. Thanks also to Mrs Mackintosh of Mackintosh of Moy Hall for allowing me to see family papers and possessions of the Mackintoshes.

My years at Aberdeen and more recently at St Andrews, during which the Ph.D. and the book were researched, written and re-written, have shaped and developed me, both personally and intellectually and there are a number of people who deserve special mention. Professor Allan Macinnes supervised my thesis and, more importantly, taught me to think and to question. Since then he has continued to provide constructive criticism and support. On leaving Aberdeen for St Andrews Professor Roger Mason provided further encouragement. Thanks also to the others who have contributed in their own way over the past decade: Dawn Bailey, Robert Blyth, Steve Boardman, Michael Brown, Jane Dawson, Robert Dodgshon, Fiona Downie, Alexia Grosjean, Douglas Hamilton, Jan Kerr, Lewis Lacey, Charles

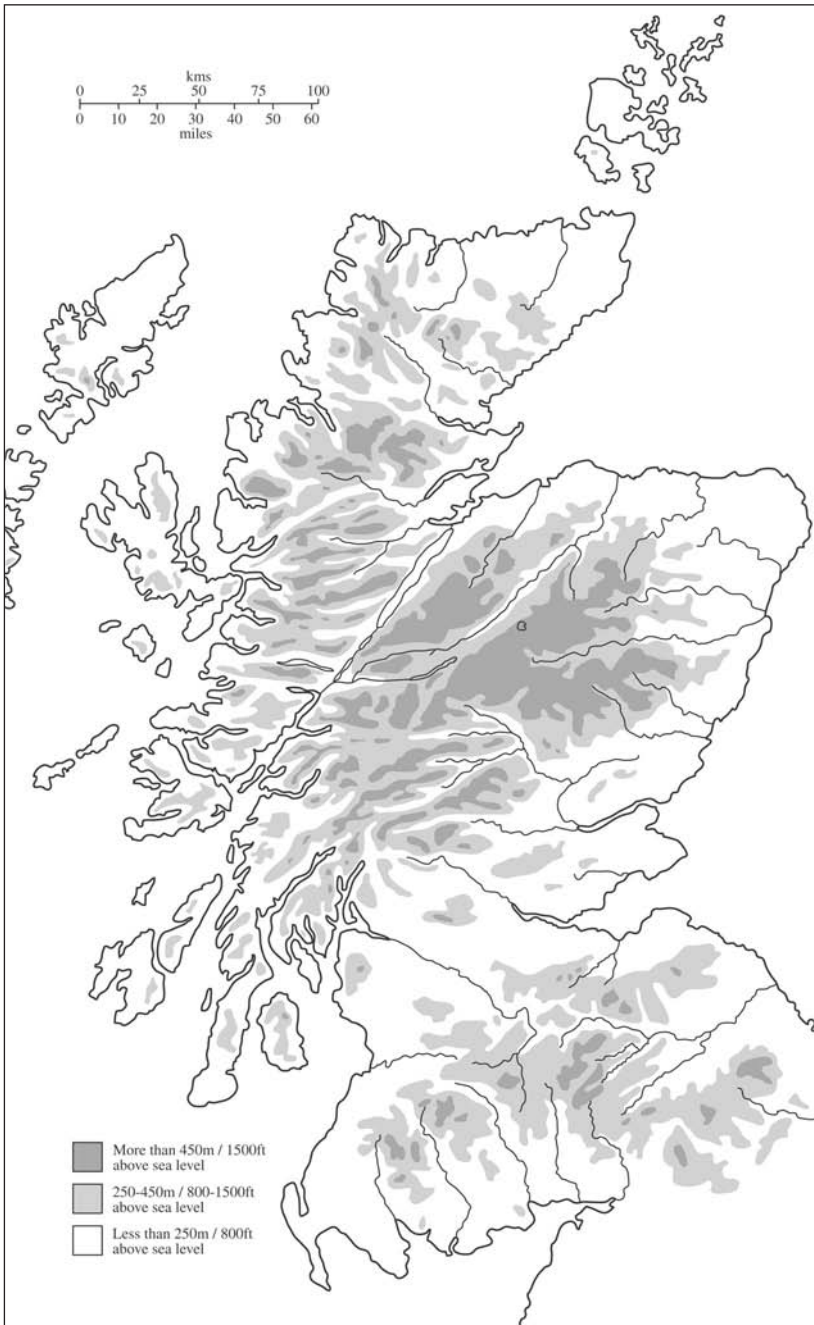
Mackean, Andrew Mackillop, Dave Menarry, Jane Ohlmeyer, Richard Oram and Alex Woolf. Discussions with, and the suggestions and criticisms of, many of those named have improved this book greatly while all remaining errors are my own. The process of turning a Ph.D. into a book, for me, was a rather protracted one. Once again, I acknowledge an enormous debt to Allan Macinnes and Roger Mason, both of whom read drafts of the entire manuscript at various stages and had numerous conversations with me about it. The process of latter months was made much easier due to the consideration and efficiency of Barbara Crawford and Marcella Mulder at Brill, Leiden. They have been more than accommodating to my wishes and more than patient.

As one might expect it is my own kin who have provided a solid foundation. The support and love of family on both sides of the Irish Sea is humbling, reminding me that regardless of historical arguments kinship remains fundamental in my life. Sincere thanks for everything, to Margaret and Maynard, Stuart and Kay (who have tolerated lengthy stays while researching in Edinburgh), and Jayne and Meghan Cathcart. It is, however, to Alex Doney that I give most thanks. In the light of his determination not to learn anything about Scottish history and his own research into molecular genetic epidemiology, I am fully aware he will not read much, if any, of this book. Nonetheless, since we met he has had to live with the Mackintoshes and Clan Chattan and has learned to tolerate my questioning and argumentative nature with humour. It is to Alex, my companion through life, that I dedicate this book.

LIST OF ABBREVIATIONS

<i>Acts of the Lords of the Isles</i>	<i>The Acts of the Lords of the Isles</i> (ed.) J. Munro & R.W. Munro (Scottish History Society, 1986)
APS	<i>The Acts of the Parliaments of Scotland</i> (eds.) T. Thomson & C. Innes, xii vols (Edinburgh, 1814–1875)
CSP Scotland	<i>Calendar of State Papers relating to Scotland and Mary Queen of Scots, 1547–1603</i> (ed.) J. Bain et al., xiii vols (Edinburgh, 1898–1969)
Fraser, <i>Chiefs of Grant</i>	W. Fraser (ed.), <i>The Chiefs of Grant</i> , iii vols (Edinburgh, 1883)
Gregory, <i>History of the Western Highlands and Isles</i>	D. Gregory, <i>The history of the western Highlands and Isles of Scotland, from A.D. 1493 to A.D. 1625: with a brief introductory sketch from A.D. 80 to A.D. 1483</i> (Edinburgh, 1836)
HRA	Highland Regional Archive, Inverness
Mackintosh of Kinrara	Lauchlan Mackintosh of Kinrara, ‘Epitome of the Origin and Increase of the Mackintoshes, 1679’ in W. Macfarlane, <i>Genealogical Collections concerning Families in Scotland 1750–1751</i> (ed.) J.T.C. Clarke, (Scottish History Society, 1990), ii
<i>Loyall Dissuasive</i>	Sir Æneas Macpherson, <i>The Loyall Dissuasive and other papers concerning the affairs of Clan Chattan</i> (ed.) A.D. Murdoch (Scottish History Society, 1902)
<i>Miscellany of the Spalding Club</i>	<i>Miscellany of the Spalding Club</i> (ed.) J. Stuart, v vols (Spalding Club, 1841–52)

Paton, <i>Mackintosh Muniments</i>	<i>The Mackintosh Muniments, 1442–1820</i> (ed.) H. Paton (Edinburgh, 1903)
NAS	National Archives of Scotland, Edinburgh
NLS	National Library of Scotland, Edinburgh
<i>RMS</i>	<i>Registrum magni sigilli regum Scotorum</i> (eds.) J.M. Thomson et al., xi vols (Edinburgh, 1882–1914)
<i>RPCS</i>	<i>Register of the Privy Council of Scotland,</i> <i>1545–1625</i> (ed.) D. Masson, xiiii vols (Edinburgh, 1877–98)
<i>RSS</i>	<i>Registrum Secreti Sigilli Regum Scotorum,</i> <i>1488–1581</i> (ed.) M. Livingstone, viii vols (Edinburgh, 1908–82)
<i>SHR</i>	<i>Scottish Historical Review</i>
<i>TGSI</i>	<i>Transactions of the Gaelic Society of</i> <i>Inverness</i>



Map 1. Map of relief of Scotland

INTRODUCTION

Historiographical Introduction

Scottish historiography has tended to portray the Highlands during the late medieval and early modern period as something of a realm apart. The region is regarded as having had little political, social, economic, military or cultural impact on national affairs. This perception of two distinct societies existing in Scotland side-by-side has come to be increasingly challenged with research highlighting the extent of continuity and integration that occurred in the middle ages following the introduction of Anglo-Norman newcomers to Scotland during and subsequent to the reign of David I. Thus, the view put forward nearly a century ago by W.C. Mackenzie that the year of David I's accession to the throne of Scotland marks the date from which can be traced "the history of the Highlanders as a separate section of the Scottish people" is no longer valid.¹ While more recent research has emphasised continuity within Scottish society throughout the late medieval period, Mackenzie followed in the wake of many historians who viewed Gaeldom as completely distinct from Lowland Scottish society and was adding to the centuries-old debate regarding the place of the Highlands within Scotland and the nature of Gaelic society itself.

While the mid eighteenth century saw something of a revived interest in Gaelic language, culture and society in Scotland, prior to the 1690s the concept of 'Celticism' was wholly inaccurate and its usage can be traced back to Edward Lhuyd.² Indeed, throughout the early modern period there had existed a degree of ambiguity concerning the Gaelic roots of Scottish national identity.³ The civic virtue and

¹ W.C. Mackenzie, *A Short History of the Scottish Highlands and Isles* (Paisley, 1906), 43. See S. Boardman & A. Ross (eds.), *Exercise of Power in Late Medieval Scotland c. 1200–1500* (Dublin, 2003) for a number of essays that focus on continuity and integration in Scotland.

² J.L. Campbell & D. Thomson, *Edward Lhuyd in the Scottish Highlands 1699–1700* (Oxford, 1963), xiii–xxiv. Cf. W. Ferguson, *The Identity of the Scottish Nation* (Edinburgh, 1998), 177 where Ferguson argues that Lhuyd did not invent the term 'Celticism'.

³ C. Kidd, *British Identities before Nationalism. Ethnicity and Nationhood in the Atlantic World, 1600–1800* (Cambridge, 1999), 123–45.

elective constitution of the ancient Scots was celebrated by Hector Boece and George Buchanan in the sixteenth century, the same time as the perception of the Highlands as a place of disorder was becoming entrenched in the minds of Lowland political society. This resulted in the formulation of legislation which enshrined the ‘anti-Gaelic’ biases of the Scottish crown, yet the sixteenth century saw both church and state readily adopt and adapt the history of Gaelic Scotland for its own purposes.⁴ It was not until after the Revolution of 1688–89 that William Jameson attempted to make sense of this disparity by acknowledging the barbarity of the Highlands although Lowland political community continued to distance itself from its neighbours. The Reformed church, meanwhile, had come to a realisation that knowledge of the Gaelic language was vital for the spread of Protestantism and although Gaelic was considered to be an indication of barbarism, it was a necessary evil in order to halt the spread of Episcopalianism in the Highland region.⁵ While for Presbyterians the use of the Gaelic language was preferable to the spread of Episcopalianism, the turn of the eighteenth century saw an emerging interest in the Gaelic languages of Scotland, Ireland and Wales. Edward Lhuyd, the Welsh scholar and Oxford antiquarian, travelled to Scotland in 1699 before moving on to visit Ireland, Cornwall and Brittany after which he published his *Archaeologia Britannica* (1707),⁶ a comparative study of the origin of the ‘Celtic’ languages. In this Lhuyd appeared to argue that the Gaels were the earliest inhabitants of Britain and his comments about the antiquity of the language were readily welcomed by Scottish ‘Celticists’.⁷

The emerging antiquarian interest in the Gaelic origins of both church and state in Scotland was accompanied by a more widespread curiosity in Gaelic language as well as the society and culture

⁴ C. Kidd, *British Identities before Nationalism*, 127–29. Kidd argues that following the Reformation the Scots moved towards a British identity, encouraged by England’s earlier break with Rome. However, “the history of the ancient Dalriadic church was to be useful in fending off a perceived Anglican imperialism”.

⁵ C. Kidd, *British Identities before Nationalism*, 128.

⁶ E. Lhuyd, *Archaeologia Britannica, Giving Some Account Additional to what has been hitherto Published, of the Languages, Histories and Customs of the Original Inhabitants of Great Britain, from Collections and Observations in Travels through Wales, Cornwall, Bas-Bretagne, Ireland and Scotland* (Oxford, 1707). Although referred to as volume 1, no further volumes were published.

⁷ J.L. Campbell & D. Thomson, *Edward Lhuyd in the Scottish Highlands*, 25–6; W. Ferguson, *Identity of the Scottish Nation*, 177–9.

of the Highlands. This development, however, occurred against a backdrop of heavy-handed repression meted out to Highland society by Hanoverian troops in the aftermath of the 1746 defeat of the Jacobite army at Culloden. The government sought to crush clan society, thereby destroying the bed-rock of support for the exiled House of Stuart, after which government initiatives were introduced to encourage economic development in the region. Paradoxically, just as the government and the military sought to eradicate Gaelic culture a growing interest in the “rising cult of primitivism” emerged.⁸ The culmination of this interest in published form was James Macpherson’s *Fingal, an Ancient Epic Poem, in six Books; Together with several other Poems, composed by Ossian, the Son of Fingal: translated from the Gaelic*, a work widely acclaimed by those who believed in the ancient civilisation of the Gael. Lowland society in the mid to late eighteenth century was uneasy about a view that positioned Gaelic society as the source of Scotland’s cultural past and placed the roots of the Scottish Enlightenment in the Highlands, a region which for centuries had been regarded as backward and savage. Although based on the remnants of Gaelic poetry that Macpherson had collected, the realisation that Macpherson himself had embellished the work served to reinforce the Lowland belief that there was no such thing as an ancient civic past in the Highlands.⁹ Nonetheless, interest in Gaelic language and society remained.

Throughout the nineteenth century the writers of Scottish history betrayed their biases, both ecclesiastical and political, through their writings which either glorified the Gaelic past or ignored it. William Forbes Skene in the mid nineteenth century offered a meaningful contribution to Highland historiography but more importantly, the work of Alexander MacBain in the late nineteenth and early twentieth century made real progress in relation to the Gaelic language, religion and customs.¹⁰ The significant achievement of their combined

⁸ W. Ferguson, *Identity of the Scottish Nation* (Edinburgh, 1998), 229.

⁹ W. Ferguson, *Identity of the Scottish Nation*, 227–249; J.L. Campbell & D. Thomson, *Edward Lhuyd in the Scottish Highlands*, xxiii.

¹⁰ The three volume work by W.F. Skene, *Celtic Scotland: a history of ancient Alban* (Edinburgh, 1886–90) was a significant achievement at the time. A. MacBain, however, published a revised single-volume edition of Skene’s earlier two-volume work *Highlanders of Scotland* (2nd edn., Stirling, 1902) with additional notes and commentary. Aside from this the main works published during his lifetime were, along with J. Kennedy an edition of A. Cameron’s *Reliquiae Celticae: texts, papers and studies in*

efforts was to make contemporary writers of Scottish history pay greater attention to Gaelic society and its place within a national context. The era of antiquarianism also brought forth a new wave of genealogical histories with focus placed on the use of primary sources and saw the production of many valuable works. The Iona Club, however, concerned with Highland affairs, only managed one publication.¹¹ The early twentieth century saw the publication of Peter Hume Brown's *History of Scotland*, a work which would remain the standard historical text for a number of years but one which did little to integrate the Highlands into national historiography.¹² Hume Brown had little knowledge of Gaelic history and, as Ranald Nicholson noted, viewed the battle of Harlaw in 1411 as a significant event for Scotland because "never since that day has Teutonic Scotland been in real danger from the Celtic race to whom it owed its being".¹³ Such views of polarised societies in Scotland have been unhelpful and perpetuated the general view of Highland society as separate from that of the Lowlands. This is not to deny that in a number of ways, linguistically, culturally and economically, the Highlanders were quite distinct from their Lowland neighbours but it is a perception that negates the extent to which there was integration and co-operation between both the crown and Lowland society with their Gaelic counterparts. Nonetheless, significant achievements had been made and one of the most notable being Donald Gregory's *History of the Western Highlands and Isles of Scotland, 1493–1625*. Published in 1836 Gregory placed Highland history into a wider national context and his work remains the standard text to this day.

Gaelic literature and philology (Inverness, 1892–94); *An etymological dictionary of the Gaelic language* (Inverness, 1896); *History of the Mathesons: with genealogies of the various families* (Stirling, 1900). A number of works were published posthumously: a second edition of *An etymological dictionary of the Gaelic language* (Stirling, 1911); *Celtic mythology and religion: with chapters upon Druid circles and Celtic burial* (Stirling, 1917) with introductory chapters by W.J. Watson; *Place Names, Highlands and Islands of Scotland* (Stirling, 1922) with notes and a foreword by W.J. Watson.

¹¹ *Collectanea de Rebus Albanicis: consisting of original papers and documents relating to the history of the Highlands and Islands of Scotland* (eds.) D. Gregory & W.F. Skene (Edinburgh, 1847).

¹² Other histories published around this time were J.H. Burton, *History of Scotland from the Revolution to the extinction of the last Jacobite insurrection 1689–1748* (London, 1853); J.A. Wylie, *History of the Scottish Nation* (London, 1886); R.S. Rait, *History of Scotland* (Oxford, 1914); C.S. Terry, *A History of Scotland* (Cambridge, 1920).

¹³ P. Hume Brown, *History of Scotland*, 3 vols (Cambridge, 1900–09).

Most recent research, although continuing a concentration on west coast clans, has been fruitful, highlighting the political, economic, and militarised nature of clan society, examining the extent to which certain clans co-operated with central authority and, therefore, challenging the general perception of Highland society as a homogenous unit. Jean and R.W. Munro's collection of charters relating to the Lordship of the Isles is fundamentally important in highlighting how this clan operated and the nature of its relationships with other west Highland and island kindreds as well as the crown itself.¹⁴ The recent publications by Jane Dawson and Alastair Campbell of the Airds and the forthcoming work by Steve Boardman all concentrate on the Campbells of Argyll, between them offering greater insight into this clan from its origins through to the early modern period.¹⁵ There have been illuminating studies of other clans too which emphasise the need for further work to be carried out on individual clans in order to gain a greater understanding of the political nuances within Gaeldom, such as those by Martin MacGregor and Aonghas MacCoinnich of the MacGregors and Mackenzies respectively.¹⁶ But alongside these clan-based works has been an essential body of research, notably that of Allan MacInnes, Robert Dodgshon and Tom Devine,¹⁷ that has shed light on the political and socio-economic changes that occurred within Highland society from the late medieval and throughout the early modern period, as well as important work by David Sellar, Wilson MacLeod, John MacInnes and others regarding cultural, linguistic and legal aspects of clan society.¹⁸ Nonetheless, the

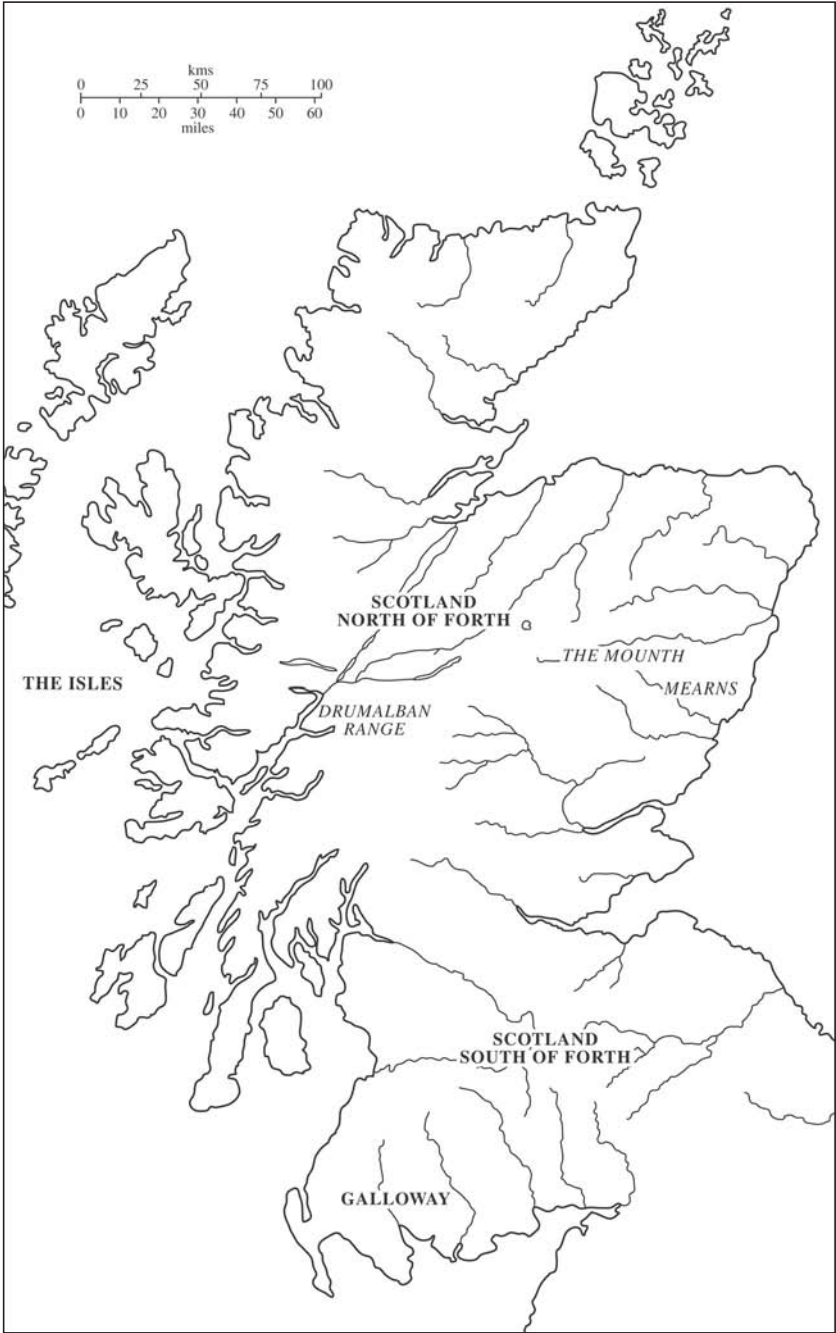
¹⁴ *Acts of the Lords of the Isles*.

¹⁵ J.E.A. Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots. The Fifth Earl of Argyll and the Struggle for Britain and Ireland* (Cambridge, 2002); S. Boardman, *The Campbells* (John Donald, 2006); A. Campbell of the Airds, *A History of Clan Campbell*, 3 vols (Edinburgh, 2000–04).

¹⁶ M.D.W. MacGregor, 'A Political History of the MacGregors before 1571', (University of Edinburgh, unpublished Ph.D. thesis, 1989); A. MacCoinnich, 'Tùs gu larlachd: Eachdraich Clann Choinnich, c. 1466–1638' (University of Aberdeen, unpublished Ph.D. thesis, 2005).

¹⁷ A.I. MacInnes, *Clanship, Commerce and the House of Stuart, 1603–1788* (East Linton, 1996); R.A. Dodgshon, *From Chiefs to Landlords. Social and Economic Change in the Western Highlands and Islands, c. 1495–1820* (Edinburgh, 1998); T.M. Devine, *Clanship to Crofters' War: the social transformation of the Scottish Highlands* (Manchester, 1994).

¹⁸ For example, W.D.H. Sellar, "Celtic Law and Scots Law: Survival and Integration" (O'Donnell Lecture 1985), *Scottish Studies*, 29 (1989), 1–27; W.D.H. Sellar, "Highland Family Origins—Pedigree Making and Pedigree Faking" in L. Maclean (ed.), *The Making of the Middle Ages in the Highlands* (Inverness, 1981), 103–16; W.D.H. Sellar,



Map 2. Map of main regions in Scotland

majority of this work on Highland society has concentrated on west Highland and Island clans rather than deal specifically with the situation in the central and eastern Highlands.¹⁹ As clan society has been shown to have divergent political agendas, this neglect of clan society in the central region of Scotland suggests something of an imbalance in Highland historiography which needs to be addressed.

Central and Eastern Highlands

A quick glance at a map of Scotland and the clear differences between the central and eastern Highlands and the western Highlands and island region are evident. In the western coastal areas water was a vital means of communication and transportation, and chiefs had detailed knowledge of tides and currents. In contrast, although the central and eastern areas are strewn with inland lochs and rivers, the region is noticeably more land-locked. On account of this, there was a greater amount of land in central Scotland suitable for arable farming although the extent of this should not be overstated. There were some areas of mixed farming but livestock remained the predominant produce in upland areas. The region itself is rarely defined as the tendency is to rely on the most basic of distinctions within Scotland: that between the Highlands and the Lowlands and, consequently, the term Highlands is used to refer to both the western coastal region and central Scotland. Before defining the central Highlands it is important to outline the boundaries of the main Highland region. By 1300 it was common to divide Scotland into four main areas: north of the Forth, south of the Forth, Galloway, and the Isles. As the category of the isles included much of the mainland coastal area west of the Drumalban mountain range, the region

“Marriage, Divorce and Concubinage in Gaelic Scotland”, *TGSI*, li (1978–80), 464–93; W.D.H. Sellar, “The Earliest Campbells—Norman, Briton or Gael?”, *Scottish Studies*, 17 (1973), 109–25; W. MacLeod, *Divided Gaels. Gaelic Cultural Identities in Scotland and Ireland c. 1200–c. 1650* (Oxford, 2004); J. MacInnes, “Clan Unity and Individual Freedom”, *TGSI*, xlvii (1971–2), 338–73; J. MacInnes, “Gaelic poetry and historical tradition” in L. Maclean (ed.), *The Making of the Middle Ages in the Highlands* (Inverness, 1981), 142–63; J. MacInnes, “The Panegyric code in Gaelic poetry and its historical background”, *TGSI*, li (1978–80), 435–98.

¹⁹ The main exception being Martin MacGregor’s work on the MacGregors, a kindred based in southern Perthshire.

now referred to as the Highlands was actually separated by this distinction. Nonetheless, this provides a good basis from which to begin defining the central and eastern Highland region which lay to the east of the Drumalban range, in the region referred to as 'north of the Forth'. This demarcation of land lying 'north of the Forth' was a very vague one as it also incorporated areas fully absorbed into the culture and politics of Lowland Scotland such as the Forth and Tay valleys, Fife, Angus and the Mearns, eastern Perthshire as well as Moray and the coastal region of the Cromarty Firth.²⁰ It is through a process of elimination that the boundaries of the central and eastern Highlands can be recognised.

Lying east of the Drumalban range, north of the Mounth—another physical barrier within Scotland—west of Aberdeenshire and Angus yet slightly south of Moray, the lordship of Badenoch lay at the heart of the central and eastern Highlands. It stretched west into Lochaber, east into Speyside, north into Inverness-shire and south through Atholl towards Loch Tay. Geographically, therefore, central Scotland was rather different from the western coastal region. The Drumalban mountain range was something of a watershed, separating the rivers that flowed east into the North Sea from those that flowed west into the Atlantic. In one sense, separate from 'the Isles', culturally, linguistically, and socially it was part of the Highland region. However, because of its situation, sandwiched between the powerbases of Lowland magnates like the Gordon earls of Huntly and the Lindsay earls of Crawford in the east and the Gaelic lordship to the west, politically and strategically it was a region of crucial importance.

The attempts by the Stewart kings to gain control over large parts of the kingdom during the fourteenth and fifteenth centuries resulted in a significant amount of territory consolidated within the hands of the ruling family. Alexander Stewart, younger son of Robert Stewart, had his position as lord of Badenoch formalised following his father's coronation as Robert II in 1371.²¹ Although he maintained stability in the central region his career ended with the wasting of Elgin and

²⁰ J. Dawson, "The Gaidhealtachd and the emergence of the Scottish Highlands" in B. Bradshaw (ed.), *British Consciousness and identity. The Making of Britain, 1533–1707* (Cambridge, 1998), 271–6.

²¹ A. Grant, "The Wolf of Badenoch" in W.H.D. Sellar (ed.), *Moray: Province and People* (Edinburgh, 1993), 143. At the end of the fourteenth century the lordship also included large parts of the earldom of Moray.



Map 3. Map of main earldoms and lordships in the north of Scotland with dotted line indicating sheriffdoms

Forres in 1390. His son and successor, Alexander Stewart, earl of Mar, brought an unprecedented degree of stability to this region, one that had proved problematic since the demise of the line of the earls of Moray earlier in the century. Mar's lordship stretched throughout Aberdeenshire and central Scotland, a dominance recognised when he led crown forces against those of the island chief Donald, second Lord of the Isles, at Harlaw in 1411. In 1427 he received a liferent of the lordship of Badenoch, an indication that he had finally managed to bring order to the area. His ability to govern the north was welcome considering the extent of upheaval that had occurred previously but on his death in 1435 a power vacuum emerged.²² Competing claims to succeed to Mar's position in central Scotland would continue until the lordship of Badenoch was granted to Alexander Seton, first earl of Huntly.²³

Claimants to Mar's position recognised the political and strategic importance of the region. Expansion into central Scotland ultimately secured dominance of the north of Scotland for successive earls of Huntly as well as providing a gateway into the northern isles. Taking over Mar's mantle and providing effective lordship for the lesser clans of the region was one thing, but it also brought the Gordons into conflict with other magnates and their spheres of influence. Initially westward expansion for the Gordons pitted their influence against that of the mighty MacDonald Lords of the Isles, but following their demise in the wake of the final forfeiture of the lordship in 1493 Gordon had access to the north isles, thereby ensuring that by the early sixteenth century Gordon influence stretched from the western isles across the north of Scotland to Aberdeen. The fall of the Mac-

²² M. Brown, "Regional lordship in North-East Scotland: the Badenoch Stewart II. Alexander Stewart Earl of Mar", *Northern Scotland*, 16 (1996), 46–8.

²³ The family of Gordon had come to Scotland from England in the later thirteenth century when they were granted lands in Berwickshire by Edward I. About 1320 the Gordons are said to have received the lordship of Strathbogie from Robert I (cf. J.P. Balfour (ed.), *The Scots Peerage* (Edinburgh, 1904–14), iv, 510–12; *Calendar of Documents relating to Scotland* (ed.), J. Bain (Edinburgh, 1881–88), ii, no. 195; *Calendar of entries in the papal registers relating to Britain and Ireland: Papal Letters, 1305–1342* (ed.), W.H. Bliss et al. (London, 1893–), ii, 427). Just less than a century later, in 1406, the Gordon line had come to an end with the heiress Elizabeth Gordon. According to a MS history of the Gordons, Elizabeth 'would . . . have none for her husband, but one whose heirs should assume and carry the surname and arms of the ancient family of Gordon, being sought by many she was pleased with Alexander Seton, second son to Sir William Seton' (cf. NLS ADV. MS 34.6.11., fol. 30). In 1445 Alexander Seton was created Earl of Huntly but by 1458 he had changed the family name to Gordon (*APS*, ii, 56–7, 59). See pp. 40–56 below.

Donalds, however, did not give the Gordons free rein. At various times throughout the sixteenth century their dominance would be challenged by others seeking to expand their own influence, for example, the Campbells of Argyll whose heartland lay in the south west; the Stewart earls of Moray, who encroached into the north of Gordon territory; and to a lesser extent the Stewart earls of Atholl, whose influence in Perthshire spread northwards into the central region. And it was not solely for dominance in the north that the central area was of such importance. As Mar had shown at the outset of the fifteenth century, the ability to govern central Scotland effectively had brought with it great reward, both financial and political as well as increased standing in national affairs. Through effective government the manpower of the region could also be harnessed, adding significantly to the military strength of Lowland magnates who were all too aware of the benefits of being able to control the manpower potential that existed in the Highlands. While magnates like Alexander, first earl of Huntly, recognised in the mid-fifteenth century the benefits that could accrue to him through successful management of the central and eastern Highlands, the crown only came to a realisation of the region's strategic importance in the sixteenth century.

The present examination focuses on clans based within the central and eastern Highlands, more specifically within the lordship of Badenoch and adjacent territories throughout east Inverness-shire and Speyside. Much of this analysis of clanship takes the form of a case study concentrating primarily on the Mackintoshes and Clan Chattan, supplemented by reference to the Grants of Freuchy. During the late fifteenth and sixteenth centuries both clans experienced the declining influence of the Gaelic MacDonald Lords of the Isles and the emerging dominance of the Lowland-based Gordon earls of Huntly. Although the Mackintoshes and Clan Chattan held the lands of Glenlui, Locharkaig and Keppoch in Lochaber from John MacDonald, Lord of the Isles, the lands of Petty, Breachly and forest of Strathdearn from the crown and lands of Meikle Geddes and Rait in the sheriffdom of Nairn from the earl of Huntly, the main settlement was in Badenoch where they had title for Rothiemurchus, Benchar and other lands between 'the river Calander and Guynack'.²⁴ By the mid sixteenth

²⁴ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 159, 165, 168, 184–5; A.M. Mackintosh, *The Mackintoshes and Clan Chattan* (Edinburgh, 1903), 15–18, 73; C. Fraser-Mackintosh, *Invernessiana: contributions toward a history of the town and parish of Inverness from 1160 to 1599* (Inverness, 1875), 47, 49, 160; Gregory,

century the Mackintoshes had alienated the lands of Rothiemurchus but inherited the barony of Dunachton in Inverness-shire through marriage.²⁵ For the duration of the sixteenth and early seventeenth centuries, successive chiefs of Mackintosh were styled 'of Dunachton'. Likewise, throughout this period the chiefs of Grant were designated 'of Freuchy'. Their main holdings were situated further north and east in Speyside. Duncan Grant, designated 'of Freuchy' sometime between 1434 and 1453 is said to have inherited the lands of Glencarnie and others around Rothes and Elgin from his mother, Matilda of Glencarnie.²⁶ However, it was Duncan's grandson, John, second of Freuchy, who added significantly to the clan estate. He inherited from his grandfather the lands of Freuchy and others in Inverness-shire that straddled the River Spey. He received from George Gordon, second earl of Huntly, lands within the lordship of Badenoch that lay south of Freuchy adjoining the lordship of Glencarnie. Having resigned all his lands to James IV in 1493/4 he received a formal regrant of the barony of Freuchy and later added to this a crown grant of the lands of Glencarnie and Ballindalloch, and later Urquhart, Corriemoney, and Glenmoriston.²⁷ John Grant also purchased the lands of Nether Auchroisk in the barony of Cromdale.²⁸ Thus, although the Grants had a more consolidated estate in the mid fifteenth century, by the early sixteenth, their lands were widely dispersed from Speyside in the east to Urquhart and Glenmoriston in the west. The main estates of both clans, Grants and Mackintoshes and Clan Chattan, were in relatively close proximity, but in both origin and structure there were some clear differences.

History of the Western Highlands and Isles, 23–4; Paton, *Mackintosh Muniments* (Edinburgh, 1903), no. 1; NAS GD 128/21/1.

²⁵ Paton, *Mackintosh Muniments*, nos. 18–21.

²⁶ Fraser, *Chiefs of Grant*, i, 62; iii, no. 29. Duncan Grant succeeded to the chiefship in 1434 and in a document dated 1453 was styled 'Duncan le Graunte of Fruychy'. Grant possession of Glencarnie at this time has been questioned.

²⁷ The barony of Freuchy incorporated "the lands of Freuchie and the mil of the same, the two Culfoichs, Dalfour, Auchnagall, the two Congashes, the mill of the same, and Glenlochy, with the pertinents, lying within the sheriffdom of Inverness; also a fifth part of the lands of Lincauwod (Linkwood), and a fifth part of the mill of the same, a fifth part of the lands of Birmukty (Barmuckity), a fifth part of the lands of Garboty; a half of the lands of Inchebary, a half of the lands of Ordyquish, a half of the lands of Mulben, and 6s. 8d. worth of the lands of Suraston (Sheriffston), with pertinents, lying in the sheriffdom of Elgin" (Fraser, *Chiefs of Grant*, i, 77–9, 86–7). See pp. 40–56 below.

²⁸ Fraser, *Chiefs of Grant*, iii, no. 52.

*Origin of clans**The Mackintoshes and Clan Chattan*

If the manuscript genealogical history of the Mackintoshes and Clan Chattan, written by Lauchlan Mackintosh of Kinrara in 1679, is to be accepted then the settlement of the Mackintoshes in Inverness-shire occurred in the late twelfth century.²⁹ The Mackintosh chiefs are said to have descended from the MacDuff earls of Fife. Shaw, second son of Duncan, third earl of Fife, was the progenitor of the Mackintosh clan, the name Mackintosh or *mac-an-toshach* in Gaelic meaning son of a Thane. This Shaw came to Moray with the royal force led by Malcolm IV in 1163 which sought to contain unrest in the region and as a reward received possession of the lands of Petty, Breachly, and the forest of Strathearn, and was appointed constable of Inverness Castle.³⁰ The Kinrara manuscript recounts the careers of subsequent chiefs and in doing so presents a picture of a clan whose chief adhered closely to the crown and acted on its behalf at various times dealing with unrest in the north and west of Scotland. Shaw, second chief, was placed in charge of crown revenues within Inverness and defended the castle from an attack by 'islesmen'. Shaw, fourth chief, received the lands of Meikle Geddes and Rait and a lease of Rothiemurchus from Andrew, Bishop of Moray, in 1236. Ferquhard, fifth chief, was said to have been "chosen leader of the

²⁹ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 144–407. This was said to be based on three earlier manuscripts: one by Ferquhard Mackintosh, twelfth chief, which gave an account of events to c.1496; one by Sir Andrew MacPahil, 'parson of Croy' which covered events to c.1550; and one by George Monro of Davochcartie, said to have lived in Connage and dealt with the careers of the four chiefs that spanned the period from c.1496 to c.1550. In arguing that these manuscripts 'ought not to be look'd upon as fabulous and untrue' the author points to instances where he believes these manuscripts to be more accurate than the works of John Mair and Hector Boece (cf. Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 148–50; M. MacGregor, "The genealogical histories of Gaelic Scotland" in A. Fox & D. Woolf (eds.), *The Spoken Word: oral culture in Britain 1500–1850* (Manchester, 2002), 209).

³⁰ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 146–59. The year 1163 is also given in the *Chronicle of Holyrood* as the year in which 'King Malcolm transported the men of Moray' (cf. A.O. Anderson, *Early Sources of Scottish History, AD 500–1286* (Edinburgh, 1922), ii, 251 quoted in W. Matheson, "Traditions of the Mackenzies", *TGSI*, xxxix–xl (1942–50), 215). Matheson also suggests that 1163 holds significance because 'it was looked upon as the year in which such operations began'.

Badenoch people” for the royal expedition of Alexander III against Hakon, king of Norway in 1263.³¹ Ferquhard was also to serve with the earl of Atholl in the crown’s attempts to extend its influence in the western Isles, during which time he is said to have married a daughter of Angus Mor MacDonald of the Isles.³²

The origin of the clan from the earls of Fife, however, has been questioned with another genealogy suggesting the clan descended from a union of the Macduffs and the MacDonalds. A son of Macduff, Thane of Fife, had sought refuge with Angus Mor MacDonald because of a case of manslaughter. After a brief stay he went to Ireland with Edward Bruce leaving Angus’ daughter pregnant. Angus is said to have brought up the child and endowed him with lands in Lochaber and Moray.³³ Mackintosh genealogies, however, go a long way in attempting to validate their Fife origins and the grants of land early clan chiefs received from the crown. A lack of evidence ensures that these claims can neither be confidently asserted nor compellingly disputed. The attempts to give legitimacy to the Macduff origins may have much to do with the century in which they were written. In the latter half of the seventeenth century there was a sudden production of Gaelic genealogies. This phenomenon faded somewhat in the eighteenth century, only to be revived briefly in the 1820s and 1830s.³⁴ Placed within a broader context this ‘surge’ came slightly later than the proliferation of genealogical histories within Lowland Scotland, England, the Dutch Republic and France where “a pretentious veneration for genealogy” was the result of demographic pressures and socio-economic change.³⁵ For the Gaels, however, these

³¹ Mackintosh of Kinrara, ‘Origin and Increase of the Mackintoshes’, 160–4.

³² A later history by A.M. Mackintosh, *The Mackintoshes and Clan Chattan*, 16–17 asserts that Ferquhard married a daughter of Angus Og MacDonald who did not succeed to the chiefship until 1308. As Ferquhard died in 1273 it is more likely he married a daughter of Angus Mor who succeeded some time before the year 1249 (cf. A. & A. Macdonald, *Clan Donald* (Inverness, 1900–04), i, 72–3, 84, 90).

³³ ‘History of the MacDonalds’ in J.R.N. Macphail (ed.), *Highland Papers* (Edinburgh, 1914), i, 16; ‘Fragment of a manuscript history of the Macdonalds’ in *Collectanea de Rebus Albanicis*, 291. This account perhaps influenced others who assert a close relationship between the Mackintoshes and the MacDonalds (cf. W.F. Skene, *Celtic Scotland*, iii, 357).

³⁴ M. MacGregor, “The genealogical histories of Gaelic Scotland”, 203.

³⁵ A.I. Macinnes, *Clanship, Commerce and the House of Stuart*, 3; D. Allan, “‘What’s in a Name?’: Pedigree and Propaganda in Seventeenth-Century Scotland” in E.J. Cowan & R.J. Finlay (eds.), *Scottish History. The Power of the Past* (Edinburgh, 2000), 147–67.

histories asserted *rioghalachd*, patriotism to the Scottish crown following the upheaval of the civil wars and interregnum, and were an attempt to integrate Gaelic aristocratic society into a new 'British' society that existed in the rest of Scotland and England. The Mackintosh claims to descend from the earls of Fife offered them an association with a prominent family from southern, Lowland Scotland.³⁶

The Kinrara manuscript also had a local agenda, asserting the chiefship of the Mackintoshes over the Clan Chattan.³⁷ The Mackintoshes are purported to have gained the chiefship of the Clan Chattan, an amalgamation of satellite kindreds united under one chief, through the marriage of Angus, sixth chief, to Eva, daughter and heiress of Doual Dal Gillichattan, chief of the Clan Chattan in 1291. Through this marriage Angus became chief of the Clan Chattan, while the clan lands of Glenlui and Locharkaig passed to the descendants of Angus and Eva. The couple, however, preferred to settle in Badenoch apparently because Angus had aroused the displeasure of Angus Og, chief of the MacDonalds of Islay.³⁸ The Mackintosh acquisition of both the chiefship of Clan Chattan and the lands of Glenlui and Locharkaig is accepted unquestioningly by all Mackintosh genealogies but remains a controversial issue. The succession of females to the chiefship in Highland society was not permitted while inheritance of a landed estate by a female was not a desirable outcome.³⁹ There is little doubt it was disadvantageous for a female to inherit property as it would become her dowry in future marriage and, consequently, clans would take precautions to protect against such an eventuality.⁴⁰ Succession to the chiefship was a different

³⁶ M. MacGregor, "The genealogical histories of Gaelic Scotland", 222.

³⁷ The Clan Chattan consisted of a number of satellite kindreds that gave allegiance to one chief, such as the Macgillivrays who joined the Clan Chattan in 1263 (cf. Mackintosh of Kinrara, 165; NLS MS 9854, fol. 13; HRA, Baillie of Dunnain Papers, 3 unbound volumes of C. Fraser-Mackintosh, *Minor Septs of Clan Chattan. An Account of the Confederation of Clan Chattan: its kith and kin* (Glasgow, 1989), 1–2; C. Fraser-Mackintosh, "Minor Highland Families, no. viii, The Macgillivrays of Dunmaglass", *TGSI*, xx (1894–96), 29 suggests they came from the west. 'History of the MacDonalds' in *Highland Papers*, i 24; 'Fragment of a manuscript history of the Macdonalds' in *Collectanea de Rebus Albanicis*, 297 describe the council held at Finlaggan in Isla. One of the 'freeholders' was a Macgilleivray in Mull and it may be that this family moved east due to the expansion of the Macleans).

³⁸ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 167–8; Gregory, *History of the Western Highlands and Isles*, 77; A.M. Mackintosh, *The Mackintoshes and Clan Chattan*, 37.

³⁹ W.F. Skene, *Highlanders of Scotland*, i, 284.

⁴⁰ S. Boardman, "The Campbells and charter lordship in medieval Argyll" in

matter as women were regarded as unable to fulfil the functions of the chiefship mainly on account of the need of a chief to lead men into battle. Loss of the chiefship was more serious than loss of land and in cases where the sole remaining heir was female the succession was altered to ensure preservation of the lineage. In the thirteenth century the only successor of Niall, earl of Carrick, was his eldest daughter, Marjory, but before his death Niall secured the continuation of the family by ensuring that his nephew Lachlan would succeed him as head of the kindred, confirmed by the crown in 1276 and 1372, while the title earl of Carrick and the estate lands passed to Marjory to be used as her dowry in marriage.⁴¹ This separation of 'feudal' from 'kin' components did not occur in the marriage of Angus and Eva. Angus became chief of the Clan Chattan, while the lands of Glenlui and Locharkaig continued to be held by Eva and passed to William, their son, on her death.⁴²

Mackintosh acquisition of the chiefship of the Clan Chattan through the marriage of Angus and Eva remains speculative. For the Mackintoshes the Eva 'myth' may have been created in order to give legitimacy to this regime change, after all the person of Eva or Evah appears in several clan histories as a symbol of a new order, a clan under a new chief.⁴³ Cameron tradition narrates that the first of the

S. Boardman & A. Ross (eds.), *Exercise of Power in Late Medieval Scotland*, 95–117 shows how the heads of the Campbell clan adopted the practice of entailing lands to heirs male only, with reversionary clauses, to ensure the clan land was not alienated from the core estate.

⁴¹ Consequently the title earl of Carrick passed to Robert Bruce in 1292 and subsequently to the crown. *RMS*, i, nos. 508–9; J. Bannerman, "Macduff of Fife" in A. Grant & K.J. Stringer (eds.), *Medieval Scotland: Crown, Lordship and Community, essays presented to G.W.S. Barrow* (Edinburgh, 1993), 33–4; H. Macqueen, "The Kin of Kennedy. 'Kenkynnol' and the Common Law" in A. Grant & K.J. Stringer (eds.), *Medieval Scotland*, 274–96.

⁴² For further discussion of this see pp. 145–6 below.

⁴³ It would certainly not be the only kindred to have done so. W.F. Skene, *Highlanders of Scotland*, ii, 187 argued that the tradition of a number of Highland clans "asserted a marriage of the foreign founder of their race with the heiress of that family of which they were in reality a branch". See also D. Allan, "What's in a Name?", 159 & 159 n. 40 & 41. Isidore of Seville (570–636) suggested that the name Eva can have a number of meanings, (570–636), "Eva can be interpreted as 'life' [vita] or as 'disaster' [calamitas] or 'woe' [vae]. As life because she was the origin of being born; disaster and woe because by her transgression she became the cause of dying. . . . But some say that Eva is called 'life' and 'disaster' because woman is often the cause of man's welfare and often the cause of his disaster and death (which is woe [vae])" (cf. A. Blamires et al. (ed.), *Woman defamed and Woman defended. An Anthology of Medieval Texts* (Oxford, 1992), 44–5).

name came from Dumbartonshire and set out to find a wife as he had no property or family of his own. He heard of a man named MacTavish, baron of Straborgig, taken to refer to MacMartin, baron of Letterfinlay, whose only child was a daughter. Impressed with the qualities of Cameron, the baron married his daughter to the stranger, thereby ensuring his kindred would be led by a strong and courageous individual and although both chiefship and estate passed to an outsider through marriage it remained intact.⁴⁴ One of the several Campbell genealogies also contains an Eva figure. Malcolm O'Duibne, grandson of Diarmid O'Duibne who lived in Ireland, went to Normandy and there married the heiress of Beochamps, otherwise known as 'Campus bellus' or 'pleasant field'. This Malcolm had two sons, Duncan, who remained in Normandy and Gillespig or Archibald, who returned to Scotland. Another grandson of Diarmid O'Duibne was Paul O'Duibne who lived in Scotland and, according to the genealogy, was treasurer to either Malcolm MacAlpin or Duncan. Paul married Marion, daughter of Godfred, king of Mann, and by her had only one child: a daughter named Evah. This Evah was heiress of Lochawe and is said to have laid conditions on the choice of her spouse stating she would only marry a blood relation. Fortunately for him, Archibald returned to Scotland at this most beneficial time, married Evah and inherited the lands of Lochawe while their offspring were designated the Campbells of Lochawe.⁴⁵ Although Eva is used to signify a change in the chiefship, each of these examples is of an heiress who carried with her into marriage a significant landed estate. For the Mackintosh chiefs, Eva brought Glenlui and Locharkaig, for the Campbells she brought Lochawe. In contrast, while the genealogy of the Frasers of Lovat contains no specific 'Eva' it is littered with incidents of inheritance through marriage to an heiress.⁴⁶

⁴⁴ A. Mackenzie, *History of the Camerons*, 7–8.

⁴⁵ 'Ane Account of the Genealogie of the Campbells' in J.R.N. Macphail (ed.), *Highland Papers* (Edinburgh, 1916), ii, 70–111 which also asserts that Lochawe, formerly known as Loch Cruachan, was changed after Evah herself (cf. W.D.H. Sellar, "The Earliest Campbells—Norman, Briton or Gael?", *Scottish Studies*, 17 (1975), 109–125).

⁴⁶ A. Mackenzie, *History of the Frasers of Lovat with genealogies of the principal families of name* (Inverness, 1896), 3–31; NLS ADV. MS 34.6.13, fol. 13–30; J. Fraser, *Chronicles of the Frasers: the Wardlaw Manuscript, 916–1674* (ed.) W. Mackay (Scottish History Society, 1905), 29–81.

These examples suggest that acquisition of land and title through marriage to an heiress was common, but questions have been raised subsequently regarding the legitimacy of such inheritance. The rights of the Mackintosh chiefs to be chiefs of the Clan Chattan were questioned aggressively in the seventeenth century by Sir Æneas Macpherson in his *Loyall Dissuasive*.⁴⁷ He argued that the Macphersons were rightful chiefs of the Clan Chattan and based much of his argument on descent. However, as the origins and nature of the Clan Chattan were political rather than genealogical, hereditary right was not necessarily so important. More significantly, the fact that these assertions were not raised until the seventeenth century is interesting, a time when the claims of the son of a parson (Macpherson) were purported to have greater weight than those of a son of a thane (Mackintosh).⁴⁸ It is likely that the Eva inheritance was fabricated at a later time to provide legitimacy for the Mackintosh chiefship of the Clan Chattan, legitimacy of their claims to Glenlui and Locharkaig, and provide greater cohesion for the entire clan.⁴⁹ Although speculative, it is possible that the Mackintosh chiefship was imposed by force on the Clan Chattan and the clan expanded subsequently.

The Grants of Freuchy

Much like other clans in the region, there has been some dispute as to the origin of the family of Grant.⁵⁰ Those claiming Gaelic ori-

⁴⁷ Sir Æneas Macpherson, *The Loyall Dissuasive and other papers concerning the affairs of Clan Chattan* (ed.) A.D. Murdoch (Edinburgh, 1902).

⁴⁸ A. Macpherson, *Glimpses of Church and Social Life in the Highlands* (Edinburgh, 1893), 435 also puts forward this view arguing that Gilpatric did have a male heir, Kenneth, from whom the Macphersons are said to have descended. Kenneth was son of Ewen 'Baan', second son of Muirach, the parson of Kingussie. It was from Muirach, who lived during the reign of David I, that the Mackintoshes are also said to have descended, albeit from a junior line. Gilpatric was grandson of Gillichattan, eldest son of Muirach, a descent that completely ignores any claims regarding the earls of Fife.

⁴⁹ W.D.H. Sellar, "Highland Family Origins" discusses the importance of a belief in the myth of common ancestry.

⁵⁰ There is an eighteenth-century manuscript history of the Grant family (NLS MS 10970 'Memoirs of the Family of Grant. Written in the year 1752') although the main clan genealogy is the three volume edition edited by William Fraser, *The Chiefs of Grant*, 3 vols (Edinburgh, 1883). This is one of a genre of works which emerged in the late nineteenth century referred to by MacGregor as 'phase two genealogical histories'. 'Phase one' works have been described as largely uncritical and based on an amalgamation of previous genealogies as well as documentary evi-

gin have asserted the Grant kindred is a branch of the MacGregors with the name *grannnda* meaning some personal defect in appearance, while others contend that it derives from the moor in Strathspey called *Griantach* or *Sliabh Grianais*. Others put forward a Danish origin based on given names while Anglo-Norman descent is suggested by the name Grant deriving from the French word for great, *grand*. It is this origin account that William Fraser, who compiled the three-volume history of the Grants, adheres to.⁵¹ Fraser bases this on evidence from English sources which shows a William le Grant receiving permission from Henry III to travel to the Holy Land alongside evidence of numerous Grants in England and their close association with the Bissets.⁵² In the mid thirteenth century the Bissets held lands in both Scotland and England where they were related through marriage to a William le Grant who held lands in Lincoln and Nottingham. In 1242 John and Walter Bisset were forced to leave Scotland on account of their murder of Patrick, earl of Atholl, and on their return from exile were accompanied by the Grants.⁵³ A William le Grant

dence written by 'quasi-professional antiquarians' who did not necessarily have a 'close bond with the lineage concerned' (cf. M. MacGregor, "The genealogical histories of Gaelic Scotland", 201–3; W. Matheson, "Traditions of the MacKenzies", 193–228). William Fraser himself produced a number of works including *The Maxwells of Pollok*, 2 vols (Edinburgh, 1863); *The History of the Carnegies, Earls of Southesk and their kindred*, 2 vols (Edinburgh, 1867); *The Red Book of Grandtully*, 2 vols (Edinburgh, 1873); *The Book of Carlawerock*, 2 vols (Edinburgh, 1873); *The Scotts of Buccleuch*, 2 vols (Edinburgh, 1878); *The Red Book of Menteith*, 2 vols (Edinburgh, 1880); *The Douglas Books*, 4 vols (Edinburgh, 1885); *Memorials of the Earls of Haddington*, 2 vols (Edinburgh, 1889); *The Melvilles Earls of Melville and the Leslie Earls of Leven*, 3 vols (Edinburgh, 1890). At the same time numerous other works were published such as J.H.J. Stewart & D. Stewart, *The Stewarts of Appin* (Edinburgh, 1880); A.M. Shaw, *The Mackintoshes and Clan Chattan* (London, 1880); A. & A. MacDonald, *The Clan Donald*, 3 vols (Inverness, 1896–1904); A. MacRae, *History of Clan MacRae* (Dingwall, 1899); A.M. Mackintosh, *The Mackintoshes and Clan Chattan* (Edinburgh, 1903); A. MacKay, *The Book of MacKay* (Edinburgh, 1906). There were also numerous books written by A. MacKenzie including *History of the Clan Mackenzie with Genealogies of the Principal Families* (Inverness, 1879); *The Macdonalds of Clanranald* (Inverness, 1881); *History of the Macdonalds and Lords of the Isles with genealogies of the principal families of the name* (Inverness, 1881); *History of the Camerons with genealogies of the principal families of the name* (Inverness, 1884); *History of the Munroes of Fowlis with genealogies of the principal families of the name* (Inverness, 1888).

⁵¹ Fraser, *Chiefs of Grant*, i, 2–3.

⁵² *Foedera, Conventiones, Litterae et Cuiuscunque Generis Acta Publica* (ed.) T. Rymer, 20 vols (London, 1704–35), i, 483; Fraser, *Chiefs of Grant*, i, 3–8.

⁵³ Fraser, *Chiefs of Grant*, i, 6; W. Matheson, "Traditions of the Mackenzies", 215, 215, n. 63, suggests John Bisset probably gained possession of the Aird at the time when William was consolidating royal authority in Moray after the rebellions of 1179 and 1187.

is also recorded among the retinue of Alexander III when returning to Scotland after visiting England in 1256.⁵⁴ Robert le Grant is the first of that name to hold lands in Scotland when in 1258 he received lands on the river Findhorn,⁵⁵ while a Laurence le Grant was created sheriff of Inverness sometime before 1263 and was also bailie of Inverquoch.⁵⁶ Although unclear who the progenitor of the family was, the successors of Laurence and Robert all display a similar service to the crown. John le Grant fought at the battle of Dunbar in 1296 and was captured, although released the following year after John Comyn of Badenoch pledged himself for Grant.⁵⁷ Shortly after the grant of the earldom of Moray to Thomas Randolph in 1315 the same John Grant received the lands of Inverallan in Strathspey from the Augustines who had been lords of Inverallan prior to this time.⁵⁸ Throughout the fourteenth century they acquired additional holdings, establishing themselves firmly in Strathspey. The first of the Grants to be designated of Freuchy, however, was Duncan Grant in 1453.⁵⁹ Although he inherited lands in Speyside from his mother, Matilda of Glencarnie, these did not include Freuchy and there is little to suggest how they passed to Duncan Grant although the chiefs of Grant retained this designation. Duncan was knighted some time before 1464, served heir to his grandfather, Gilbert of Glencarnie, in the lands of Cognash and later probably held the lordship of Glencarnie by lease from the earls of Moray.⁶⁰ Duncan's grandson, John Grant, second of Freuchy, added to this through the acquisition of lands of Tullochgorm, Mulben, Urquhart, Ballindalloch and others.⁶¹

Structure of clans

The Clan Chattan was a conglomeration of individual kindreds, all of which retained their own chief and name, yet recognised the chief-

⁵⁴ *Calendar of Documents relating to Scotland*, i, no. 2250.

⁵⁵ Fraser, *Chiefs of Grant*, iii, no. 7.

⁵⁶ *ER*, i, 3, 13, 19.

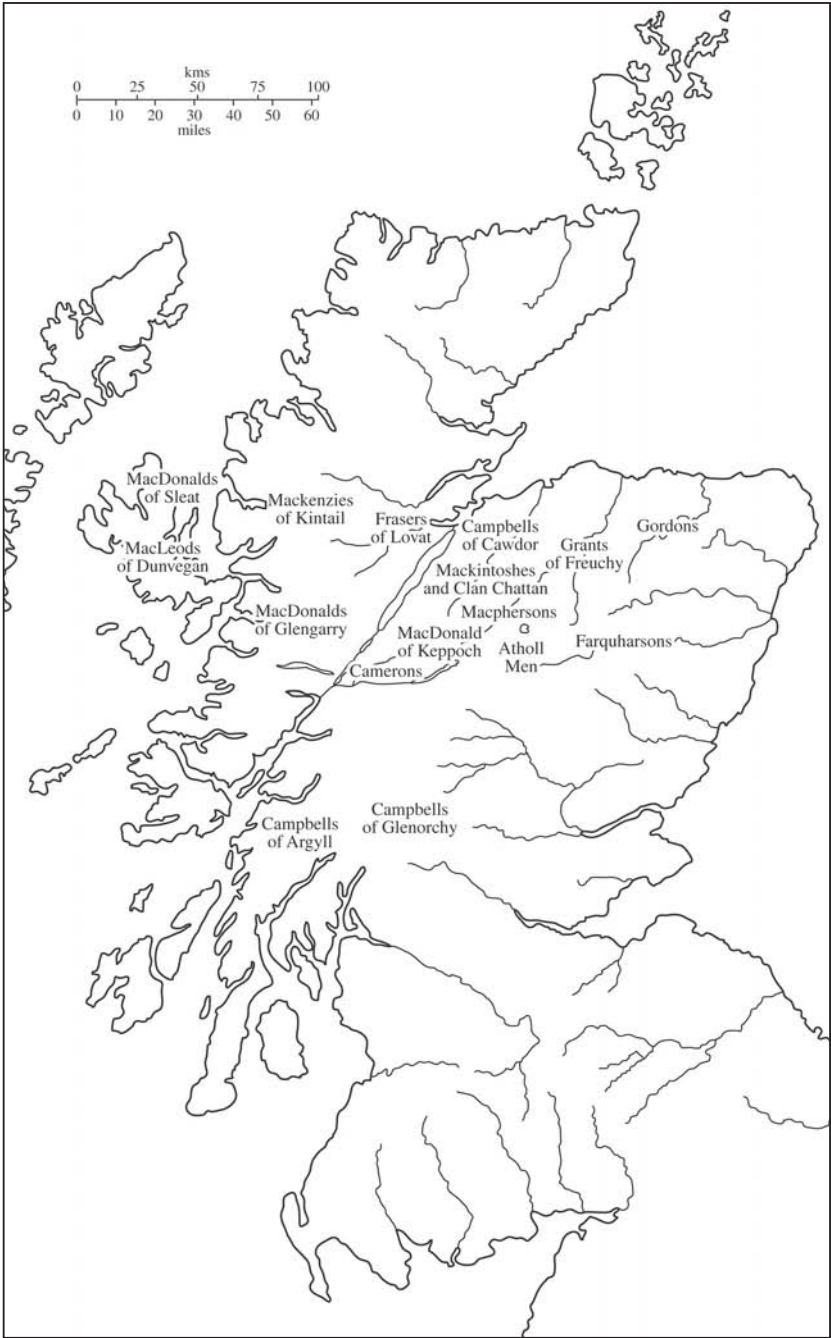
⁵⁷ *Foedera*, i, 869.

⁵⁸ Fraser, *Chiefs of Grant*, iii, no. 233 (2).

⁵⁹ Fraser, *Chiefs of Grant*, iii, no. 29.

⁶⁰ Fraser, *Chiefs of Grant*, iii, nos. 33, 35–6; L. Shaw, *The History of the Province of Moray* (ed.) J.F.S. Gordon (Glasgow, 1882), 475.

⁶¹ Fraser, *Chiefs of Grant*, iii, nos. 42, 45–9, 51–2, 57–9, 60.



Map 4. Clan map of the Highlands

ship of the Mackintoshes as head of the wider clan grouping. The clan consisted of three distinct groupings. The first is the old Clan Chattan that existed prior to the Mackintoshes inheriting the chiefship and consisted of kindreds like the Macphersons, Davidsons and Macgillivrays. The second group consists of cadet branches of the Mackintosh clan such as the Farquharsons and Shaws, while the third group is made up of satellite kindreds like the Macleans that joined the Clan Chattan subsequent to Mackintosh inheritance of the chiefship. Following the adherence of the Clan Chattan to the Mackintosh chiefs, said to date from 1291, the entire clan became a much larger entity with disparate holdings across Lochaber and Badenoch. Nineteenth-century Mackintosh histories often refer to the Clan Chattan as a clan ‘confederation’, an umbrella organisation which encompassed a number of separate satellite kindreds each retaining their own chief and name, yet who all ultimately recognised the Mackintosh chief as head of the Clan Chattan.⁶² The description of the Clan Chattan as a ‘confederation’ is inaccurate and imposes a degree of uniformity and homogeneity that, as will be argued, did not exist on many occasions. The incorporation of satellite kindreds within the Clan Chattan was not the result of kin-based expansion, but rather a result of political, economic and social needs. Clans who had their own territory sought the protection of a more powerful chief and, by joining the Clan Chattan and taking protection of the Mackintoshes, aimed to secure survival. By the mid fifteenth century the Clan Chattan was a considerable grouping in terms of manpower, but the problems of a geographically dispersed grouping and issues of conflicting landlordism meant chiefs had to work hard to secure internal cohesion and solidarity in a clan where kinship ties were noticeably absent. As this study aims to highlight, the term ‘confederation’ is inaccurate as applied to the Mackintoshes and Clan Chattan. Closer examination of clanship and the role of the chief is necessary to provide a more nuanced understanding of how clan society operated.

⁶² A.M. Mackintosh, *The Mackintoshes and Clan Chattan*. However, this is not a term applied to the Clan Chattan by Lauchlan Mackintosh of Kinrara or used in C. Fraser-Mackintosh, *Antiquarian Notes. A series of papers regarding families and places in the Highlands* (2nd edn., Stirling, 1913), 31–2 or W.F. Skene, *Highlanders of Scotland*, ii, 284–298.

In stark contrast to the primarily political formation of the Mackintoshes and Clan Chattan, the Grants were a clan based on lines of kinship. As the clan expanded horizontally and vertically, collateral lines began to establish themselves as cadet branches of the parent clan, the Grants of Freuchy. This development of cadet lines began in the 1530s and continued throughout the sixteenth century although during this period cadets retained a strong connection to the parent clan. Despite this prevalence of kin ties not all members of the clan were connected by blood. Lesser kindreds and individuals attached themselves to the Grants, and in doing so adopted the clan name as a sign of their dependence on the Grant chiefs of Freuchy.⁶³ Nonetheless, the main parent branch and the numerous cadet lines developed through kin ties, in a similar way to the fecund expansion of the Campbell kindred.⁶⁴ Like the Campbells, the Grants could not always rely on the unity of clan estate to secure cohesion between the various cadets.⁶⁵ But while cadets like the

⁶³ Fraser, *Chiefs of Grant*, i, 98–99. The extent to which the Scottish Gaels saw themselves as members of a particular clan has been questioned, suggesting that the personal identity of a Highlander, first and foremost, was rooted in the community of which they were a part, an identity evidenced through the use of personal names. On an individual level clan members would be known by their patronymic, a name which identified a person through their ancestors, usually the father and grandfather, or by the place in which they lived or place of origin. Thus, Malcolm mac Bean [Malcolm, son of Bean] and Iain mac Dhomhnaill mhic Aonghuis [John, son of Donald, son of Angus] were named in relation to their ancestors while the seventeenth-century poet Fear na Pàirce was recognised by his place of residence, Park in Ross-shire. This individual identification was used within the local society of which they were a part, but outside of the Gaelic community identity resided in the collective clan name. The clan derived from the patronymic of the clan founder. For example, the patronymic of Eoin mac Griogair was adopted by the members of Clann Griogair as their collective name, using the name MacGregor when outside of Gaeldom. Use of clan names within the Highlands, therefore, was limited to specific instances (cf. J.E.A. Dawson, “The Emergence of the Gaidhealteach in Early Modern Scotland”, 260–1; A.I. Macinnes, “Social Mobility in Medieval and Early Modern Scottish Gaeldom: the Controvertible Evidence”, *TGSI*, lviii (1992–94) 371–405; T.M. Devine, *Clanship to Crofters’ War*, 8–9).

⁶⁴ A. Campbell of Airds, *A History of Clan Campbell, volume i. From Origins to Flodden*, 200–12, Appendix 1, 220–58, Appendix 3.

⁶⁵ Research has highlighted how these large, territorially expansive kindreds operated, emphasising aspects such as the maintenance of Gaelic custom, the use of charters, issues of lordship as well as the extent to which cohesion was maintained between and within the numerous branches of each family (cf. S. Boardman, “The Campbells and charter lordship in medieval Argyll”, 95–117; J.E.A. Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots*; A. Campbell of the Airds, *History of Clan Campbell*, 3 vols (Edinburgh, 2000–04).

Grants of Glenmoriston, Grants of Corriemony, Grants of Tullochgorm, Grants of Ballindalloch and the Grants of Rothiemurchus emerged, they did not detach themselves in an attempt to become independent. The Grants maintained cohesion despite geographic disparity, but as this study seeks to highlight, such cohesion was not simply the result of ties of familial or blood kinship.

The Grants were typical of the majority of clans within the Highlands and the MacDonalds are a prime example of this type of clan expansion. The MacDonalds of Islay were the main line, retaining the chiefship and 'lordship' of the isles. During the thirteenth, fourteenth and fifteenth centuries no less than seventeen cadet branches of the clan had emerged, each with a territorial designation, for example, MacDonalds of Lochalsh, MacIans of Ardnamurchan, MacDonalds of Dunivaig, MacDonalds of Sleat and the MacDonalds of Glencoe amongst others. In this case the association with a particular territory explains how and why clan expansion came about.⁶⁶ This expansion of kin population resulted in aggressive territorial acquisitiveness. At the height of MacDonald influence in the west, various branches of the clan held land on Skye, across the western coastal region from Ardnamurchan to Knapdale, south towards Islay and west in the north of Ireland. Grant expansion was less aggressive and somewhat more contained within Speyside but their holdings stretched to Urquhart and Glenmoriston in Lochaber and further west to Lochalsh, Lochcarron and Lochbroom. For a clan previously based firmly in the eastern Highlands, this territorial expansion pushed their influence into a region formerly under MacDonald influence. As a means of gaining possession of land geographically remote from the main clan estate a cadet branch, the Grants of Glenmoriston were founded, expanding the clan yet retaining close ties to the parent clan.

The territorial holdings of the Mackintoshes and Clan Chattan likewise were disparate but this was a direct product of clan formation. There were no ties of blood kinship, at least at the outset, binding together the various constituent parts of Mackintoshes and Clan Chattan. Clan expansion in this case had been driven not by kin

⁶⁶ For further explanation of the MacDonalds see R.A. Dodgshon, "'Pretense of Blude' and 'Place of their duelling': the nature of Scottish clans, 1500–1745" in R.A. Houston & I.D. Whyte (eds.), *Scottish Society 1500–1800* (Cambridge, 1989), 174–5.

expansion and demands for territory, but by political motives. Satellite kindreds joined the Clan Chattan out of a need for protection from a more powerful chief in their locality. Therefore, Mackintosh chiefs had to ensure internal consolidation in spite of a lack of geographic unity of clan lands and a lack of blood kinship and the entire grouping was tied together through a combination of political, social, economic and military obligations. All individuals within the clan adhered to the clan chief regardless of whether they were related to him or not. It was not kinship that secured clan cohesion, but the clannish relationship that existed between clansmen and chief; in return for protection and provision, clan members gave loyalty to their chief.⁶⁷

As regards clan formation and structure, therefore, the Mackintoshes and Clan Chattan were noticeably different from the Grants. Although both incorporated lesser kindreds and individuals within the clan, the Grants expanded and developed primarily through kinship. The Mackintoshes and Clan Chattan expanded through clannish association, socio-economic and political obligation. The distinction made here between clans like the Mackintoshes and Clan Chattan and the Grants and lesser kindreds is primarily based on size and formation. The term kindred is used to refer to a lesser grouping based purely on kin ties and descent, vulnerable to absorption by a larger clan. The Clan Chattan consisted of a number of such kindreds that retained some degree of autonomy, while the Grants absorbed kindreds of Urquhart and Glenmoriston into the clan. In contrast, neither the Mackintoshes and Clan Chattan nor the Grants were kindreds as both included members not connected through blood kinship to the chiefly line. Blood kinship, as used above, describes a relationship existing through descent, as distinct from marital kinship and fictive kinship. Marital kinship is, as the name suggests, kinship created through marriage, which often produces blood kinship through the procreation of children. Strictly speaking, fictive, or assumed, kinship is the relationship created through fosterage, gossipry and wetnursing,⁶⁸ although in more general terms fictive kinship can be

⁶⁷ The myth that all clans consisted purely of members of one family descending from a common ancestor, all united by blood kinship and giving allegiance to one chief has long been put to rest. Nonetheless, the prevailing view of clan society continues to put emphasis on kinship ties as the principal organising force. See pp. 60–75 below.

⁶⁸ For further discussion of fosterage see pp. 80–5 below. For Mackenzie fosterage see A. MacCoinnich, “Tùs gu Iarlachd: Eachdraidh Chlann Choinnich,

created in any number of ways, whether through local association, bonding or military and political co-operation.⁶⁹ Fictive kinship does not produce any real ties of kinship, but the relationship at times can be as close as that existing between blood relatives. Consequently, kinship in all its forms is suggestive of a personal, intimate relationship, binding individuals and families together.

At this point, further distinctions, definitions and explanations need to be made alongside a brief discussion of the framework of this study. This examination of clan society in the central and eastern Highlands is based primarily on historical evidence which emanates from both the centre and the Highland region. Archival and printed documentary source material for the Mackintoshes emerges in 1442 and although there are notable surviving oral histories which provide, often overlooked, valuable material antiquarianism is avoided.⁷⁰ There is little surviving Gaelic material from the central and eastern Highlands apart from that contained in the *Book of the Dean of Lismore* and although translations of some Gaelic poetry is utilised for the infor-

c.1466–1638” (University of Aberdeen, unpublished Ph.D., 2004), chapters 3.44, 4.46; appendices 6.9, 9.4, 9.44. For comparative studies see F. Fitzsimons, “Fosterage and Gossipry in Late Medieval Ireland: some new evidence” in S. Duffy, D. Edwards & E. Fitzpatrick (eds.), *Gaelic Ireland c.1250–1650: Land, Lordship and Settlement* (Dublin, 2001), 138–49; P. Parkes, “Adoptive Kinship and Clientage in Northwest Europe”, *Comparative Studies in Society and History*, 48, no. 2 (forthcoming, 2006).

⁶⁹ J. Wormald, *Lords and Men in Scotland: Bonds of Manrent, 1442–1603* (Edinburgh, 1985), 78; T.M. Devine, *Clanship to Crofters’ War*, 5; A.I. Macinnes, *Clanship, Commerce and the House of Stuart*, 1–2, 11–12; R. Munro, “Clan System—Fact or Fiction” in L. Maclean (ed.), *The Making of the Highlands in the Middle Ages*, 120–3; R.A. Dodgshon, “‘Pretense of blude’ and ‘place of thair duelling’”, 169–88; M. Gluckman, “Political Institutions” in E.E. Evans-Pritchard (ed.), *The Institutions of Primitive Society* (Oxford, 1954), 70, “. . . in simply societies as a general rule, wherever there were common interests between groups, these interests were liable to be explained by a kinship tie, which might be reinforced by actual marriages, but which equally might be imaginary”.

⁷⁰ The main sources used are NAS GD 176 Mackintosh of Mackintosh Muniments; GD 128 Fraser-Mackintosh Collection; GD 44 Gordon Castle Muniments; Paton, *Mackintosh Muniments*; Mackintosh of Kinrara, ‘Origin and Increase of the Mackintoshes’, 144–407; ‘History of the MacDonalds’ in *Highland Papers*, i, 1–102; A. Cameron, ‘Book of Clanranald’ in A. Macbain & J. Kennedy (eds.), *Reliquiae Celticae*, ii (Inverness, 1892–94), 138–309; ‘Fragment of a manuscript of the Macdonalds’ in *Collectanea de Rebus Albanicis*, 282–326. The later nineteenth century genealogical histories also contain printed primary material, for example Fraser, *Chiefs of Grant; A Genealogical Deduction of the Family of Rose of Kilravock 1290–1847* (ed.) C. Innes (Edinburgh, 1898); *The House of Gordon* (ed.) J.M. Bulloch, 3 vols (Aberdeen, 1903–07); *The Book of the Thanes of Cawdor. A Series of Papers Selected from the Charter Room at Cawdor, 1236–1742* (ed.) C. Innes (Edinburgh, 1859); J. Fraser, *Chronicles of the Frasers: the Wardlaw Manuscript 916–1674* (ed.) W. Mackay (Edinburgh, 1905).

mation it sheds on the position of the chief within clan society, there is an awareness of the pitfalls of relying solely on sources of this nature.⁷¹ Although grounded in historical evidence this study has been informed by sociological and anthropological perspectives⁷² and the blending of historical and anthropological categories have shaped the analytical framework of the argument.

This study intends to explore clan society going beyond kinship to look at other factors that shaped society such as fictive kinship, clientage and possession of land, as well as examining how, and the extent to which, regional and local politics in the central and eastern Highlands impacted on clan society. The opening chapter explores general perceptions of the character of Highlanders during the fifteenth and sixteenth centuries before moving on to examine the role of the crown and its Highland policy formulated within this period of emerging stereotypical views towards the region, setting the scene for an understanding of crown-clan relations during this period. The straightforward historical analysis of chapter one develops a more anthropological slant in chapters two and three which deal with the internal structure of clans and their external relationships respectively. In other words, these chapters focus on the role of clientage within clan society. Chapter two begins with an examination of the role of the chief, developing into an analysis of the efforts by clan chiefs to maintain and strengthen clan solidarity through a combination of marital kinship, fictive kinship and internal clientage. Client relationships were based on political, economic and military obligations and for the Mackintosh chiefs it was vital to retain such on-going co-operation with the various satellite kindreds of the Clan Chattan. Clientage was established through bonds of socio-economic manrent, as opposed to bonds of political manrent which established external clientage.⁷³ Manrent was an expression of reciprocal duties between

⁷¹ W.J. Watson, *Scottish Verse from the Book of the Dean of Lismore* (Edinburgh, 1937). The material contained within the Book of the Dean of Lismore has been examined by Martin MacGregor in terms of both literary content and political context. See M. MacGregor, "A Political History of the MacGregors before 1571"; M. MacGregor, "The View from Fortingall", unpublished paper presented at *The Scottish Medievalists*, January 2005, and his forthcoming work on the MacGregors.

⁷² Notably D.M. Schneider, *A Critique of the Study of Kinship* (Ann Arbor, 1984); A.B. Weiner, *Inalienable Possessions: the paradox of keeping-while-giving* (Berkeley, 1992). My thanks to Professor Julia Smith for these references.

⁷³ See pp. 85–93, 119–25 below.

a man and his superior. Socio-economic manrent reaffirmed the clan-nish relationship and was used within clans like the Mackintoshes and Clan Chattan to reinforce the bonds of clanship, thereby maintaining solidarity.⁷⁴

Bonds of political manrent which allowed for the creation of external alliances are examined in chapter three. Political manrent secured personal lordship and in return for the promise of loyalty, counsel and service, usually military service, a superior was obligated to protect and administer justice, in essence, providing good lordship. Political manrent was not dependent on territorial lordship and bonds establishing relationships of personal lordship were prolific throughout the fifteenth and sixteenth centuries. Previously most discussions of these bonds have focused on the regional magnates and lords within Scotland and their affinities but this analysis of external clientage focuses on political manrent established by Mackintosh and Grant chiefs with client clans and kindreds like the Camerons of Lochiel and the MacDonalds of Glengarry. Interpreting clientage more loosely, chapter three also considers the bonds of mutual assistance established between clans of equal standing and the external alliances established through marital kinship. The historical and anthropological analysis of the bonds and alliances that existed between clans and throughout the locality in the central and eastern Highlands continues into chapters four and five. Chapter four, however, progresses in a different direction exploring what has been regarded as one of the traditional values of clanship, the importance of land.⁷⁵ Land was the basic economic resource in the Highlands, but it also had symbolic attachment for clans and their chiefs.⁷⁶ The disparity between property, *oighreach*—land which chiefs had tenurial rights for—and possession, *duthchas*—land which was claimed as clan territory regardless of tenurial superiority—could result in feuds while on other occasions some clans resorted to building sophisticated, defensive alliances.

Internal clan cohesion, stability within the locality, property and possession of land, and the political, economic and military alliances created to defend and protect estates did not occur in a vacuum. Despite the tendency by national histories of Scotland to treat Highland

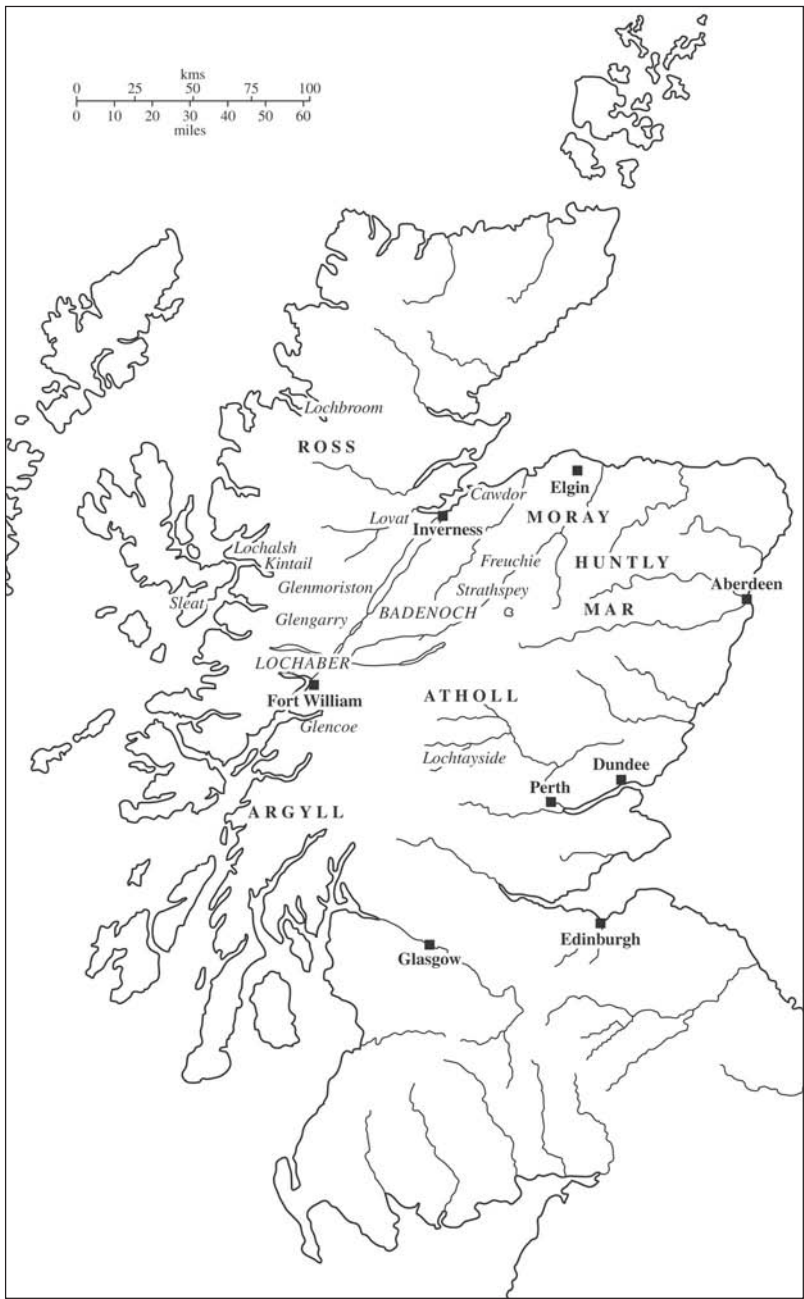
⁷⁴ See pp. 60–75 below.

⁷⁵ A.I. MacInnes, *Clanship, Commerce, and the House of Stuart*, 188.

⁷⁶ W. MacLeod, *Divided Gaels*, 136–93 explores the symbolic associations of land within Irish and Scottish bardic poetry.

affairs as of little importance to wider events, local, regional and national politics in Scotland were inextricably entwined. Chapter five examines the interaction of regional and national politics on the locality, but does so through the lens of the relationship between the chiefs of Mackintosh and Grant and their superiors. For the majority of this period between 1451 and 1609 successive Gordon earls of Huntly maintained lordship over the clans of the central and eastern Highlands but was faced with intermittent encroachment from Stewart earls of Moray and Campbell earls of Argyll. This political rivalry between magnates in the north and west of Scotland impacted on the locality of Mackintosh and Grant and highlights the need for Highland history to be fully incorporated in national Scottish history.

The study culminates in 1609, focusing on the local situation placed against the backdrop of the Statutes of Iona and the extent of crown intervention in Highland affairs. Overall, it traces the development of clan society from the mid fifteenth century through to the early seventeenth avoiding a straightforward chronological structure although this long chronological perspective is vital to a nuanced understanding of clan society and regional politics. The thematic nature of the chapters is intended to highlight the inner workings of clanship, before examining clan society in the locality and finally focusing on the interaction between local, regional, and national affairs. Without detracting from the importance of blood kinship, this analysis of clanship in the central and eastern Highlands goes beyond to explore the significance of marital kinship, fictive kinship, clientage, socio-economic and political manrent, land tenure and land possession within a wider political context to further understanding of Highland society. By examining crown and government policy toward the region, this study points to the differentiation made at the centre toward the central and eastern Highlands as distinct from the western Highlands and isles, a sub-division within the Highlands that has been overlooked by many historians for too long.



Map 5. Map of key regions, burghs, and places within north of Scotland

CHAPTER ONE

SETTING THE SCENE: THE HIGHLANDS IN CONTEXT

Scottish Gaelic society was based in the west and north of Scotland, an area of upland hills joined together by waterways and lochs, and the outlying islands. It was a society organised around clans, groupings which emerged in the twelfth and thirteenth centuries as a result of the interaction of the remnants of the tribal society that had previously existed and the new Anglo-Norman influences that prevailed in southern Scotland.¹ Generally clanship is agreed to have been compatible with the so-called 'feudal' society that emerged in the Lowlands during the twelfth and thirteenth centuries, a society shaped by the European influences introduced by David I and his successors, although the extent to which Scotland became a 'feudal' society like France or England continues to be a controversial subject.² An organised and hierarchical structure of landholding did develop within Scotland operating along similar lines to that of feudal society, but this does not mean that 'feudalism' was introduced across the country. Due to the greater number of foreign incomers who received grants of land from the Scottish crown in the region, it was the east and south of Scotland that experienced the greatest transformation. This was accompanied by the imposition of the infrastructure of administrative, judicial, political and economic systems as well as a more organised, standardised church. Although patterns of landownership changed little during this period and there was a degree of continuity with the past, society in general underwent a rapid transformation which brought Scotland more into line with its European counterparts. The reigns of Malcolm III (1058–93) and his wife Margaret (1070–93),

¹ T.M. Devine, *From Clanship to Crofters' War. The Social Transformation of the Scottish Highlands* (Manchester, 1994), 5–8; A.I. Macinnes, "Social Mobility in Medieval and Early Modern Gaeldom: the Controvertible Evidence", *TGSI*, lviii (1992–4), 371; R. Nicholson, *Scotland; the Later Middle Ages* (Edinburgh, 1974); A. Grant, *Independence and Nationhood: Scotland 1306–1469* (London, 1984), 204; T.C. Smout, *A History of the Scottish People, 1560–1830* (London, 1969), 43.

² G.W.S. Barrow, *Feudal Britain* (London, 1956, reprinted 1971); S. Reynolds, *Fiefs and Vassals: the medieval evidence reinterpreted* (Oxford, 1994).

and their sons saw the introduction of religious houses, European cultural and linguistic influences, a new coinage and closer ties with England while the most significant development was the establishment of burghs and urban centres throughout southern and eastern Scotland. This burgeoning economic activity in the Lowlands reinforced the real geological distinction between the south and east of the country and the west and the north, as well as differences in language and culture. In the late fifteenth and sixteenth centuries this division was compounded by the perception of social differences between the inhabitants of Highlands and the Lowlands which became increasingly more entrenched throughout the late medieval period, a view perpetuated over subsequent centuries.³

Perception of the Highlands: savagery & barbarism

It was in the twelfth century that Gerald of Wales first used the terminology of barbarism to describe the Irish and Welsh and, although he paid little attention to Scotland, his description of these 'Celtic' peoples would have repercussions for native societies in Ireland, Wales and Scotland in later centuries.⁴ In the Scottish context, however, it was the work of John of Fordun that had a much greater impact in relation to the characterisation of the Gaels as barbarous. Writing in the 1380s Fordun portrayed the Lowlanders as "domestic and civilised . . . and peaceful" and their Highland counterparts as "savage and untamed . . . given to rapine . . . and exceedingly cruel".⁵ The extent and depth of Fordun's understanding of Highland society is questionable but his work was written at a time when government

³ J. Dawson, "The Gaidhealtachd and the emergence of the Scottish Highlands" in B. Bradshaw (ed.), *British consciousness and identity. The Making of Britain, 1533–1707* (Cambridge, 1998), 259–300 deals with how this divide became increasingly accepted as existing in Scotland. C. Withers, "The historical creation of the Scottish Highlands" in I. Donnachie & C. Whatley (eds.), *The Manufacture of Scottish History* (Edinburgh, 1992), 143–56.

⁴ For an illuminating analysis of the works of Gerald of Wales see R. Bartlett, *Gerald of Wales 1146–1223* (Oxford, 1982).

⁵ *John of Fordun's Chronicle of The Scottish Nation* (ed.) W.F. Skene, 2 vols (Edinburgh, 1872), i, 38; C. Kidd, *British Identities before Nationalism. Ethnicity and Nationhood in the Atlantic World 1600–1800* (Cambridge, 1999), 124. S. Boardman, "Chronicle Propaganda in Fourteenth-Century Scotland: Robert the Stewart, John of Fordun and the 'Anonymous Chronicle'", *SHR*, lxxxvi, i, no. 201 (1997), 24–5 suggests that Fordun's chronicle was written in the 1360s.

in Scotland sought to deal forcibly with the problem of law and order in the region. A general-council of 1384 stated all caterans, Highland fighting men, were to be arrested or killed on sight.⁶ Such measures gained further justification a few years later when, in 1390, Alexander Stewart, earl of Buchan and Lord Badenoch, accompanied by his retinue of Highland caterans, devastated Elgin town and cathedral and Forres in an incident that provoked outrage within Lowland society. Alexander's utilisation of Highland military strength heightened concerns that royal authority was not respected within Gaelic society. Consequently, the relentless expansion of the aggressively Gaelic Lordship of the Isles in the western Isles was viewed with increasing apprehension by some sections in the east despite the fact that earlier in the fourteenth century the MacDonalds of Islay had maintained close contact with the Scottish crown. The marriage of John MacDonald, first Lord of the Isles, to Margaret, daughter of Robert the Steward, in 1350 created kinship ties between the island kindred and the soon-to-be royal dynasty. This policy of marrying into the major families of Scotland was common to both Robert II and Robert III and suggests the MacDonalds were acknowledged as a political force to be reckoned with in the mid fourteenth century.⁷

The MacDonald lordship was based in the western islands and adjacent mainland, a region that had been brought under Scottish jurisdiction in 1266 and where Gaelic language and culture flourished. It was viewed with suspicion by the Scottish political community, especially in the light of the territorial expansion of the MacDonald clan and because of the perceived lawlessness of the region. It was not until the return of James I from England in 1424 that any concerted effort was made to bring the island lords closer into Lowland political society but the methods adopted by James, his son and grandson achieved few positive results.⁸ The conflict between James I and Alexander MacDonald, third Lord of the Isles, between 1428

⁶ S. Boardman, *The Early Stewart Kings. Robert II and Robert III 1371–1406* (East Linton, 1995), 83–6.

⁷ S. Boardman, *The Early Stewart Kings*, 90–1.

⁸ The attempts by James I to interfere in the succession to the lordship only heightened suspicion of the crown, while throughout the reigns of James II and James III parliament voiced concern regarding the disorderly state of the region (cf. M. Brown, *James I* (Edinburgh, 1994), 93–6; R.J. Tanner, *The Late Medieval Scottish Parliament. Politics and the Three Estates, 1424–1488* (East Linton, 2001), 27–8, 39–49, 95–6, 131–2, 171–3, 209–213).

and 1431, and the final forfeiture of the Lordship in 1493 has contributed to the view that Highland society was antagonistic towards crown and parliament, a sentiment readily reciprocated. This characterisation of crown-clan relations is somewhat simplistic and fails to recognise that Highland society was not a homogenous unit and that different clans had divergent policies. Nor does it fully acknowledge the place of the lordship within Scottish politics. During the minority of James II, Alexander, earl of Ross and third Lord of the Isles, was created justiciar of the north of Scotland in 1439, recognition that at the time Ross was the most powerful magnate in Scotland north of the Forth.⁹ Successive Lords of the Isles held their lands by charter from the crown thereby acknowledging their allegiance to, and dependence on, its jurisdiction although incidents like Harlaw in 1411 and Inverlochy in 1431 highlight the willingness of the island lords to oppose royal authority when the crown attempted to contain them, politically or territorially.¹⁰ Like the actions of Alexander Stewart in the 1390s, these periods of rebellion should be viewed as attempts to maintain their position at times when they felt it to be under threat from the royal house of Stewart rather than an assertion of either a semi-sovereign status or a belief that the lords were on an equal footing with the Scottish crown.¹¹

The final forfeiture of the lordship in 1493 was carried out by the Angus administration, although condoned by James IV who took steps to extend royal authority in its wake. If the forfeiture was perceived to be a means by which law and order could be brought to

⁹ M. Brown, *The Black Douglases: war and lordship in late medieval Scotland 1300–1455* (East Linton, 1998), 248.

¹⁰ *Acts of the Lords of the Isles* amply conveys the reality that the Lords of the Isles recognised the Scottish crown as ultimate authority within Scotland. However, Harlaw may not have been an incident of crown-lordship antagonism when Donald, second Lord of the Isles, opposed Alexander Stewart, earl of Mar, who led the forces of the crown during the governorship of Robert Stewart, Duke of Albany. R. Nicholson, *Scotland: the later middle ages*, 232–7, has suggested that Donald was acting in accordance with the captive James I who wanted to prevent further expansion of Albany-Stewart influence within Scotland.

¹¹ A. Grant, “Scotland’s ‘Celtic Fringe’ in the late middle ages: the MacDonald Lords of the Isles and the kingdom of Scotland” in R.R. Davies (ed.), *The British Isles, 1100–1500: Comparisons, Contrasts and Connections* (Edinburgh, 1988), 18–41. For a different appraisal of crown-lordship relations see S. Cameron, “Contumaciously absent? The Lords of the Isles and the Scottish Crown” in R.D. Oram (ed.), *The Lordship of the Isles* (forthcoming). Even if the Lords of the Isles did perceive of themselves as equal to the Scottish crown, this was a view that may well have been held by other noble families.

the Highlands, the administration was mistaken. The resulting dislocation spawned successive rebellions in the Highlands which added problems of its own. Much of the surviving evidence from this era comes from the centre and emphasises the disorderly behaviour of the Highlanders criticising the kin-based 'clan' system as the origin of unrest. This perception of the Highlanders had become firmly entrenched in the minds of the Lowland community in general by the turn of the sixteenth century although the result of a rather 'protracted' process as no great distinction between 'Highlander' and 'Lowlander' is evident prior to the fourteenth century.¹² The view of two separate societies existing in Scotland was based on a number of factors: geography, language, culture and economics, ultimately culminating in the distinction between the civilised Lowlanders and the barbaric Highlanders.¹³ This association of Highlanders with lawlessness in the minds of Lowland society had first been made by Fordun's chronicle which emphasised differences of dress, speech, behaviour and, above all, the 'nature' of the inhabitants. Fordun, however, had not dismissed the Highlanders altogether, instead arguing they were "faithful to . . . king and country" and could be "easily made to submit to law, if properly governed". This was not an admission that the Highlands lacked effective government, although parliament throughout the 1370s and 1380s repeated calls for the region to be brought under royal authority. Rather it was an assertion that the inhabitants themselves refused to submit to proper authority. The high incidence of feuding and raiding which spilled over into the central Scotland region, affecting Lowland lords whose estates bordered the Highlands, ensured continued criticism of this activity.

Attempts by Lowland society and central authority to deal with disorder gave legitimacy to the view of Highlanders as consistently rejecting royal authority. As Fordun's description became ingrained in Lowland mentalite and as Lowlanders themselves sought to distance themselves from their unruly Highland neighbours, characterisation of both groups became increasingly polarised. Fordun's views found

¹² G.W.S. Barrow, *The Kingdom of the Scots* (London, 1973), 362–83; C. Withers, "The historical creation of the Scottish Highlands" in I. Donnachie & C. Whatley (eds.), *The Manufacture of Scottish History* (Edinburgh, 1992), 143–56; J. Dawson, "The Gaidhealtachd and the emergence of the Scottish Highlands", 268–80.

¹³ J. Dawson, "The Gaidhealtachd and the emergence of the Scottish Highlands", 268–9.

expression again in the early sixteenth century through the work of John Mair who, with greater criticism, voiced his condemnation of Highland society. Mair's *Historia Maioris Britanniæ*, published in 1521, saw the differences between Highland and Lowland society as deep, entrenched and nothing short of subversive. His attitude towards the Gaels was hostile, taking the divisions expressed previously by Fordun to a deeper level. He wrote of the "two distinct tongues . . . two different ways of life and conduct" and regarded Highlanders as "a lawless, predatory and uncultured people who rarely acknowledged the crown's authority".¹⁴ He saw the lawlessness in the west following the forfeiture of 1493 as Gaelic resistance to royal authority and considered the region a threat to stability across Scotland as a whole. No doubt Mair's views regarding the Highlands would have been welcomed by many in Lowland political community. The fall of the MacDonald Lordship of the Isles had been regarded as a positive step for those whose estates were in the central Highlands and those who sought to make gains at the expense of the MacDonalds. Mair's criticism, however, was not levelled only at the Highlanders. His main objective in writing the *Historia* had been to promote closer Anglo-Scottish union which, he believed, would bring into line the over-mighty Scottish magnates.¹⁵ For him, the unruly Highlanders were only one of a number of problems facing the political community within Scotland.

Mair's condemnation of the Highlands formed part of a wider critique of the Scottish situation but his negative characterisation of the region's inhabitants stood in stark contrast to that offered by Hector Boece. Boece published his *Scotorum Historia* in 1527, just a few years after Mair's *Historia Maioris Britannia*. Largely historically inaccurate it was enthusiastically received because it upheld the ancient virtues

¹⁴ R.A. Mason, "Kingship, Nobility and Anglo-Scottish Union: John Mair's *History of Greater Britain* (1521)", *Innes Review*, xli (1990), 182–222.

¹⁵ R.A. Mason, "Kingship, Nobility and Anglo-Scottish Union", 196. Mair's comment on the Highlanders was part of a larger discussion of the state of Scotland. Mason argues that *History of Greater Britain* advocated union with England but highlighted three main areas of concern: the state of the church; the division between Highlands and Lowlands; and the over-mighty nobility. A.I. Macinnes, "The Multiple Kingdoms of Britain and Ireland: The 'British Problem'" in B. Coward (ed.), *A Companion to Stuart Britain* (Cambridge, 2003), 6 likewise asserts that Mair's agenda proposed 'permanent resolution for Anglo-Scottish conflict'. Mair, while advocating dynastic union discounted English and Scottish origin myths, rejected English claims to superiority, and avoided Scottish anti-Englishness.

that had secured Scottish independence in the face of English aggression, both in earlier centuries and in more recent memory. While celebrating the ancient qualities of the Scots Boece issued a warning to his fellow countrymen who, no longer as virtuous as their predecessors, were in danger of compromising their independence. As a means of providing an example of how to live Boece looked to the Highlands and gloried in the remnants of Gaelic civilisation that existed there. Highlighting their "Spartan discipline" Boece regarded the Gaels as a people that had remained "isolated and uncorrupted" and, as they were the ancestors of the Scottish monarchy, he advocated that fellow Lowland Scots should emulate their behaviour. In Boece's eyes the Lowlanders had become distracted with imported goods such as food, wine and fashions from Europe while in contrast Highlanders were "the more strang and rude" because they slept on hard boards, used rocks as mattresses, ate once a day and maintained a strict physical discipline during times of peace and war.¹⁶ Boece was not alone in this view of the Highlands. The virtuous characteristics of the Gaels were reiterated by George Buchanan in his 'Description of Scotland', a preface to his *Historia Rerum Scotticarum*, where he built upon the work of Donald Munro, archdeacon of the Isles.¹⁷ To a greater extent than Boece, Buchanan asserted the Gaelic ancestry of the Scottish kingship, unsurprising considering his Highland background, and pointed to the Highlands as a place where

alone in universe . . . are to be found a people who know no want, among whom every necessity of life abounds even to satiety. Unacquainted alike with luxury and avarice, they find in their ignorance of vice, that innocence and tranquillity of mind, which others search for in the discipline and precepts of wisdom.¹⁸

Both Buchanan and Boece had a different agenda to Mair. They advocated a civic society based on Roman republicanism and within the Scottish context argued that the virtues of Scotland's Gaelic past

¹⁶ *The Works of John Bellenden Archdean of Moray and Canon of Ross* (ed.), T. Maitland, Lord Dundrennan, 3 vols (Edinburgh, 181–2), i, xvii–xxvi quoted in E.J. Cowan, "The Discovery of the Gaidhealtachd in sixteenth century Scotland", *TGSI*, lx (1997–8), 264; R.A. Mason, "Civil Society and the Celts: Hector Boece, George Buchanan and the ancient Scottish Past" in E.J. Cowan & R.J. Finlay (eds.), *Scottish History. The Power of the Past* (Edinburgh, 2002), 100–1.

¹⁷ *Munro's Western Isles of Scotland and Genealogies of the Clans, 1549* (ed.) R.W. Munro (Edinburgh, 1961). Although written c.1549 this was not published until 1774.

¹⁸ G. Buchanan, *History of Scotland*, trans. J. Aikman (Glasgow, 1827), i, 55.

were an important part of its development into a civilised and humanist nation.¹⁹ Emphasis on the noble and virtuous character of the Highlanders contrasted sharply with the widespread perception of Gaeldom as, far from a model to be emulated, a region of inherent barbarity and lawlessness. Nonetheless, the civic humanism pursued by both scholars did not mean that either gave a wholly positive portrayal of Gaeldom. While they pointed towards the stoicism and spartan virtues of Gaeldom they recognised the need for this to go hand in hand with the characteristics of Roman republicanism which did not prevail in the Highlands. Indeed, both Boece and Buchanan were criticised by Hugh Macdonald, author of the Sleat history, for portraying the Gaels negatively and asserting they were disloyal subjects of the Scottish crown.²⁰ Despite highlighting the positive attributes of Highland inhabitants the view of Buchanan and Boece did little to redeem the negative image entrenched in the minds of Lowland society and the less than favourable views of their Gaelic neighbours remained dominant.

The characterisation of the Gaels as lawless subjects was widespread in Scotland by the late medieval period and throughout the sixteenth century the crown used spectacle and tournament to convey the authority of the monarchy over its lawless Highland subjects. Successive Stewart monarchs expressed their interest in the more 'rustic' qualities of Highland life, such as the attraction of Highland dress for James V and Mary, Queen of Scots, and the delights of hunting which James V and James VI indulged in, but they also reinforced the superiority of the crown over its Gaelic subjects.²¹ Shortly after the 1503 rebellion of Donald Dubh was quashed James IV used a tournament to express the victory of royal forces over the

¹⁹ R.A. Mason, "Kingship, Nobility and Anglo-Scottish Union", 182–222; A.H. Williamson, "Scots, Indians and Empire: the Scottish Politics of Civilization 1519–1609", *Past & Present* (1996), 46–83; R.A. Mason, "Civil Society and the Celts", 105–6.

²⁰ 'History of the Macdonalds' in J.R.N. MacPhail (ed.), *Highland Papers* (Edinburgh, 1914), i, 10–11; M. MacGregor, "The genealogical histories of Gaelic Scotland" in A. Fox & D. Woolf (eds.), *The Spoken Word: oral culture in Britain 1500–1850* (Manchester, 2002), 222; J. Dawson, "The emergence of the Gaidhealtachd in early modern Scotland", 293.

²¹ L.O. Fradenburg, *City, Marriage, Tournament: arts of rule in late medieval Scotland* (Madison, 1991), 238; J. Dawson, "The emergence of the Gaidhealtachd in early modern Scotland", 288–9; M. Lynch, *Scotland, a new history*, 215–6; M. Lynch, "Queen Mary's triumph: the baptismal celebrations at Stirling, December 1566", *SHR*, lxi (1990), 1–21; M. Lynch, "James VI and the 'Highland Problem'" in J. Goodare & M. Lynch (eds.), *The Reign of James VI* (East Linton, 2000), 208–11.

rebellious islesmen. Similarly in 1566 Mary, Queen of Scots, used the opportunity of James VI's baptism to convey the superiority of royal strength over disorderly subjects. While these opportunities were exploited by the crown to display to external observers the full extent of royal authority, the crown dealt with the issue head-on through legislation, albeit with different monarchs adopting different methods with varying degrees of success.

Analysis of crown-clan relations during the late medieval and early modern period has been influenced significantly by the nature of the interaction between the Scottish crown and the west island and Highland clans, notably the MacDonalds. This has resulted in the general view of Highland clanship *en masse* as being homogenous and inherently antagonistic to the crown with the MacDonald Lords of the Isles, according to some historians, aiming for the throne themselves.²² In general terms, the succession of Alexander MacDonald, to the Lordship of the Isles in c.1423, and of James I to the throne of Scotland in 1424, did result in a sizeable shift in terms of crown-lordship relations as both men adopted a more determined stance towards maintenance of their own positions. But Alexander was also a very capable politician, prominent during the minority and early years of the reign of James II and, therefore, perhaps it was the policies of John, fourth Lord of the Isles, that precipitated the deterioration in crown-lordship relations. John was less able than his father to maintain stability and his years of lordship were characterised by rebellion, culminating in forfeiture. In contrast to the MacDonalds of the Isles, however, were their neighbours the Campbells of Argyll. Although both clans had co-existed relatively peacefully throughout earlier centuries the sixteenth century witnessed a crucial shift in their relations. The heads of the Campbell clan, successive earls of Argyll,²³ managed to combine their traditional role of Highland chief with that of Lowland magnate, a skill that would reap substantial rewards in the sixteenth century on account of their effective policing of the western Isles following the island forfeiture. The divergent policies of these clans meant the crown treated them differently highlighting an awareness that the Highlands were not a homogenous unit. Accordingly, the crown adopted different policies in their dealings with clans in the central and eastern Highland region.

²² A. Grant, "Scotland's 'Celtic Fringe' in the Late Middle Ages", 18–41.

²³ Colin of Lochawe, Lord Campbell was created first earl of Argyll in 1457.

Role of the crown

The death of Alexander Stewart, earl of Mar, in 1435 precipitated a period of unrest in the north of Scotland as rival contenders sought to expand their influence. The main protagonists in this struggle were Alexander Seton, Lord Gordon, David Lindsay, earl of Crawford, and Robert Erskine. In the wake of the assassination of James I in February 1437 Archibald, fifth earl of Douglas, was created lieutenant-general of Scotland.²⁴ As well as expanding Douglas lordship in the south, he sought to secure stability in the north. In his attempts to do so, Douglas needed to come to some accommodation with the rival factions vying for power and find a replacement for the authority previously wielded by Mar in the central region.²⁵ Consequently, Douglas created alliances with Gordon and Crawford and in 1438 appointed Alexander, earl of Ross and Lord of the Isles, justiciar of the north of Scotland in recognition of the earl's dominant position in that region.²⁶ Although Gordon was keen to consolidate his position in the northeast expansion eastward was blocked to him by the competing claims of Robert Erskine to the earldom of Mar which encompassed the Aberdeenshire lands formerly part of the earldom of Moray created for Thomas Randolph in 1315.²⁷

Expansion into Aberdeen was prevented but Gordon was confirmed in the earldom of Huntly²⁸ in 1445 during the minority of James II at the same time as the two brothers of William, eighth earl of Douglas, were created earls of Moray²⁹ and Ormond.³⁰ On reaching

²⁴ M. Brown, *The Black Douglasses*, 246.

²⁵ See pp. 8–11 above.

²⁶ M. Brown, "Regional Lordship in North-East Scotland: The Badenoch Stewarts II. Alexander Stewart Earl of Mar", *Northern Scotland*, 16 (1996), 44–6; *Acts of the Lords of the Isles*, nos. 27, 28, 32. As Alexander first appears as justiciar in 1438 and continues to use this title until the end of 1439 Brown suggests that it was Douglas who appointed him to the post (cf. M. Brown, *The Black Douglasses*, 248, n. 34).

²⁷ Although Erskine was designated Earl of Mar briefly (*RMS*, ii, no. 279), a long dispute resulted between Erskine and the crown regarding the earldom. Ultimately, the crown was victorious when the earldom was granted to John Stewart, James II's fourth son, in 1459 (cf. R.J. Tanner, *The Late Medieval Scottish Parliament*, 120, 151, 160).

²⁸ Alexander Seton, Lord Gordon was elevated to the earldom of Huntly in 1445 (cf. *APS*, ii, 59).

²⁹ The earldom of Moray had been without an earl since 1430, having fallen to two heiresses of a southern branch of the Dunbar family. By 1442 both were married, the elder sister to James Crichton, son of the then chancellor and the younger to Archibald Douglas, second son of James 'the Gross'. Following the fall of the Crichton family, the claims of the Douglasses to Moray were recognised.

³⁰ The earldom of Ormond was based around the Black Isle and bordered that

his majority James II wanted to contain the island lords in the west but the growing power of the Douglasses was perceived to be a greater threat to royal authority and the king's attempts to deal with the powerful family ensured the MacDonalds were left in relative peace. Nonetheless, the crown was aware of the need to contain the island lord and the solution seemed to lie with the Gordons of Huntly, a family that had consistently proven to be an effective agent of the crown in the north-east. Consequently, Huntly received a hereditary grant of the lordship of Badenoch in 1451.³¹ Combined with the grievance that he had not received "gud lordschipe", this pushed John, earl of Ross, and fourth Lord of the Isles, into revolt,³² a move which confirmed for James the need for some kind of buffer between the island lords in the west and Lowland Scotland in the east.³³ The crown-sanctioned expansion of the Gordons into the central Highland region initiated a feud between the Gordons and the MacDonalds that would break out intermittently over the next half century, only to be followed through with vigour, and crown commission, by the Gordons of Huntly in the early sixteenth century.³⁴

of Ross which no doubt irritated the island magnate as Dingwall Castle, which he held, was in close proximity to this new earldom. Michael Brown has argued that the promotion of Archibald and Hugh as earls of Moray and Ormond suggest that they may have been used to create a buffer against the Gaelic lordship of Ross. The title of Ormond was also in use in Ireland, held by an Anglo-Irish family who fulfilled a similar role for the government of Ireland by the English (cf. M. Brown, *The Black Douglasses*, 270).

³¹ RMS, ii, no. 442; R. Nicholson, *Scotland; the later middle ages*, 258–9; M. Brown, *The Black Douglasses*, 291. Following the murder of William, eighth earl of Douglas, by James II in 1452 and their final forfeiture in 1455 the path was clear for the king to take decisive action against the MacDonalds. The grant of the lordship of Badenoch to Huntly was hereditary, a marked shift from earlier commissions of lieutenancy used to govern the region.

³² For further details of James II's effort to deal with the Douglasses and the related revolt by John, Earl of Ross and Lord of the Isles, see M. Brown, *The Black Douglasses*, 291–9; A. Grant, "The Revolt of the Lord of the Isles and the Death of the Earl of Douglas, 1452–152", *SHR*, lx (1981), 169. Grant argues for the date of Ross's rebellion in March 1451 rather than the date of 1452 given in the *Auchinleck Chronicle*. He asserts that the rebellion should be regarded as a precursor to James II's murder of the earl of Douglas the following year, rather than an event in the aftermath of this attack. Brown disagrees with this. My thanks to Michael Brown for discussing this with me on several occasions, offering his suggestion that the rebellion precipitated the grant to Huntly in 1451.

³³ M. Brown, *The Black Douglasses*, 292 argues that the decision to turn to Huntly was a result of the persuasion of the chancellor Crichton, then back in favour, who was Huntly's father-in-law.

³⁴ Prior to this the two families appear to have been on relatively good terms. R. Nicholson, *Scotland; the later middle ages*, 236 states that Alexander Seton and

The MacDonalds would fall victim to commissions of lieutenancy issued to the earls of Huntly in the early sixteenth century, but in the later fifteenth century Gordon superiority in Badenoch had wider repercussions for lesser clans and kindreds of the central region. With the grant of Badenoch to Huntly in 1451 James II was following earlier Bruce policy of combining territorial and military control of the Highland regions with neighbouring Lowland estates. This expansion of their influence was readily welcomed by the Gordons, but opinion differs regarding continued accumulation of Gordon power and authority and the extent to which the crown sought to contain such expansion, wary of placing too much power in the hands of one family. Following the posthumous forfeiture of Archibald Douglas in 1455 Huntly sought to obtain the earldom of Moray for his son George, master of Huntly, by marrying George to the Countess of Moray.³⁵ This effort was thwarted by the grant of the earldom to David, infant son of James II.³⁶ Nonetheless, the earl remained firmly in the service of the crown and played a crucial role in bringing John MacDonald to submission and in taking possession of Dingwall Castle. James III was clearly grateful for Huntly's service, but the rewards offered to the earl after the first forfeiture of 1476 were not impressive.³⁷ James wrote to Huntly stating

Donald MacDonald, second Lord of the Isles, had cordial relations. However, while Nicholson also suggests that Seton fought alongside MacDonald at Harlaw, this needs to be questioned.

³⁵ *Miscellany of the Spalding Club*, iv, 128–31.

³⁶ *ER*, vi, cxxvi; R.J. Tanner, *The Late Medieval Scottish Parliament*, 159 argues that in compensation the master was married to Annabella, sister of James II.

³⁷ Exactly why John MacDonald was forfeited in 1476 is unclear. He was summoned to appear before parliament on 1 December 1475 to answer a number of charges, including his role in the 1462 Treaty of Westminster-Ardtornish, his correspondence with the forfeited ninth earl of Douglas, and the wasting of Rothesay Castle and Bute. In contrast, MacDonald's seizure of royal lands in the 1460s was not mentioned (cf. *APS*, ii, 109; R.J. Tanner, *The Late Medieval Scottish Parliament*, 209). When MacDonald failed to appear commissions of lieutenancy were issued to George Gordon, second earl of Huntly, Colin Campbell, first earl of Argyll, John Stewart, earl of Atholl, and James Stewart, first Lord Darnley and briefly earl of Lennox 'for the execution of our process of forfeiture . . . upon John of Islay, formerly earl of Ross' (cf. *RMS*, ii, nos. 1209–1212; N. Macdougall, *James III* (Edinburgh, 1982)). MacDonald finally appeared on 10 July 1476, renounced his lands, castles and offices to the king and had these restored to him excepting the lordships of Kintyre and Knapdale, the earldom of Ross, and the sheriffdoms of Inverness-shire and Nairnshire, to be held as a lordship of parliament (cf. *APS*, ii, 113, 189–90).

we haf and sall haf in fresche remembrance till reward you eftir your gret meritis, praying you in hertlie wiss that ye tak na displeser that we haf for a little lymmit the keping of our said castell to our cousing Johne Stewart . . . had it saa bene that yet at your last being with us had dissirit the keping of our castell, we suld have preferrit you therin befor all wtheris; . . . exhorting you of gude perseuerance and continuance in the invasioun of our said rebellis. . . .³⁸

Huntly's reward came to no more than "a hunder merkis worth of land liand in competent placis in the north partis of our realm".³⁹ This fee of 100 merks, however, came from the fermes of Urquhart and Glenmoriston and was granted to Huntly along with the custody of Urquhart Castle, which had been in the hands of John MacDonald for over two decades.⁴⁰ Two years later in 1478 Huntly was reappointed as bailie of the crown lands of Petty, Breachly and Strathnairn in Moray, the rents of which MacDonald had appropriated earlier in the 1460s.⁴¹ However much the crown may have wished to limit the expansion of the Gordons in the central Highlands and, to an extent manage to contain Gordon power in the latter decades of the fifteenth century, the final forfeiture of the lordship in 1493 left James IV with little alternative when he sought to impose royal authority in the region.

The 1493 forfeiture is well known although frustratingly 'mysterious'.⁴² It was pushed through by the Angus administration and the fact that the first beneficiary was Angus' second son, William, who received the lands of Greenan in Ayrshire, suggests the personal ambitions of those involved.⁴³ Nonetheless, the actions of James IV immediately after he assumed personal control do not suggest he was at odds with the forfeiture. He undertook a series of royal expeditions to

³⁸ *Miscellany of the Spalding Club*, iv, 113.

³⁹ *Miscellany of the Spalding Club*, iv, 134–5; R.J. Tanner, *The Late Medieval Scottish Parliament*, 213; N. Macdougall, "Achilles' Heel? Earldom of Ross, the Lordship of the Isles, and the Stewart Kings, 1449–1507", 261. *Records of Aboyne MCCXXX–MDCXXXI* (ed.), C. Gordon (Aberdeen, 1894), 401 states that in 1479 Huntly was created justiciar of Scotland north of the Forth but there is little corroborating evidence for this although he was one of a number issued with a commission of lieutenancy, see n. 37 above.

⁴⁰ John MacDonald received a liferent of Urquhart Castle in 1456 (cf. *APS*, ii, 42; *Acts of the Lords of the Isles*, lxix; R.J. Tanner, *The Late Medieval Scottish Parliament*, 160).

⁴¹ *Miscellany of the Spalding Club*, iv, 134; N. Macdougall, "Achilles' Heel?", 261.

⁴² N. Macdougall, "Achillies' Heel?", 265.

⁴³ N. Macdougall, "Achillies' Heel?", 265. Greenan had been held previously by the Davidsons.

'daunt' the isles, extracting promises from a number of island chiefs. Despite such signs of initial enthusiasm, James' attentions were soon distracted by his marriage to Margaret Tudor and relations with the papacy. For effective policing of the Highlands he began to rely heavily on the regional lordship of the earls of Argyll and the earls of Huntly.⁴⁴ For the earls of Huntly, the commissions of lieutenancy they received allowed them to legitimately and forcefully pursue their feud with the Clan Donald while the success of Alexander Gordon, third earl of Huntly, as crown agent in the central and north-western Highlands and isles was a major factor contributing to the rapid rise to power of the Gordons in the sixteenth century. His role in putting down the Donald Dubh rebellion of 1503 resulted in the expansion of Gordon influence across Inverness-shire, through Lochaber and into the northern isles.⁴⁵ Repeated risings in the west during the early sixteenth century only served to enhance this position further.⁴⁶

Taking the western Highlands and Isles in isolation it would appear that James IV delegated royal authority to the earls of Huntly and Argyll leaving him free to deal with other more pressing, and prestigious, matters. However, James was developing a means of governing the entire Highland region and adopted a policy of 'divide and rule' in the west, working with clan chiefs like John MacIain of Ardnamurchan and at the same time sought to make chiefs responsible for the actions of their clan. Likewise, in the central Highlands James adopted the policy of co-operation with clan chiefs loyal to the crown, again through the delegated authority of regional lords like the earls of Huntly, Atholl and Argyll. James also granted lands within the former lordship territories to clans in the central and eastern Highlands that were obedient, thereby using Highland support to develop and maintain the buffer that existed between the rebellious west Highlands and isles and the eastern Lowlands. As a result, shortly after the 1476 forfeiture the Mackenzies of Kintail received crown charter for lands they formerly held from the Lords of the

⁴⁴ RSS, i, nos. 379, 702, 723, 792. In 1499 George Gordon, second earl of Huntly, was created chancellor, although he died the following year. His son, Alexander, Lord Gordon, was confirmed as his heir on 14 June 1501. In August of that year he was given the power to collect the king's rents in Lochaber, by force if necessary, and on 21 March 1502 received a commission to Set lands in Lochaber to suitable individuals for five years, and to expel broken men from the region.

⁴⁵ RSS, i, nos. 1532, 1773.

⁴⁶ RSS, i, no. 1969; ii, no. 1979.

Isles and benefited further from service to the crown throughout the sixteenth century.⁴⁷ Similarly crown confirmation of Mackintosh lands in, and bailiary of, Lochaber and the grant of the lands of Urquhart and Glenmoriston to John Grant of Freuchy ensured continued co-operation with the crown on the part of these clans in the central region.⁴⁸ Indeed James IV's stated intent in granting the barony of Urquhart to John Grant of Freuchy 1509 was to ensure government, stability and good rule among the inhabitants of Urquhart and Glenmoriston, and to bring to order lawless subjects.⁴⁹

The realisation on the part of these clans that their future position depended on their adherence to the crown was essential for their own well-being as well as for crown policy of restoring law and order in the Highlands. James IV's initial interest may have diminished by the turn of the sixteenth century and although his various endeavours evolved into a policy heavily reliant on the effectiveness of commissions of lieutenancy and regional lordship, a policy well-suited to the central and eastern Highlands, there was a clear attempt to deal with the region. James laid the foundations for a policy that would be developed by his successors, but while he and his son James V sought to work with Highland clans that were obedient and law-abiding they were not immune from knee-jerk reactions to events in an effort to contain unrest within the western Highlands.

Ferquhard, son and heir of Duncan, eleventh chief of the Mackintoshes, was arrested and imprisoned alongside Kenneth Mackenzie, heir of Kintail, by James IV in 1495. Various reasons have been put forward explaining this action. A Clan Mackenzie history asserted their captivity was because they were "young men of great spirit", while Donald Gregory argued that in the era following the forfeiture

⁴⁷ A. MacCoinnich, "'Kingis rabellis' to 'Cuidich 'n Righ'? Clan Choinnich: the emergence of a kindred, c.1475–c.1514" in S. Boardman & A. Ross (eds.), *The Exercise of Power in Late Medieval Scotland, c. 1200–1500* (Dublin, 2003), 175–200. My thanks to Aonghas MacCoinnich for discussing the role of the Mackenzies with me at length.

⁴⁸ As early as 1488 John Grant, second of Freuchy, is said to have leased these lands from the earl of Huntly, who himself only had temporary right to them as lieutenant of the north. Corriemoney was granted to John's second son, also called John, while the lands of Glenmoriston were granted to John's illegitimate son John More (cf. *RMS*, ii, nos. 3390–3392; Fraser, *Chiefs of Grant*, i, 86–7; iii, nos. 59–60). By 1520 Glenmoriston had passed to the chiefly line of the Grants of Freuchy (cf. Fraser, *Chiefs of Grant*, iii, no. 71).

⁴⁹ Fraser, *Chiefs of Grant*, i, 87.

of the Lordship of the Isles the fact that both were future clan chiefs and born of MacDonald mothers moved the crown to detain them in order to prevent further unrest in the north.⁵⁰ A more plausible explanation points to Ferquhard's participation in the recent rebellion in Ross against the Mackenzies led by Alexander of Lochalsh and although this had been a personal, localised dispute, in the aftermath of the forfeiture the potential was there for any unrest to escalate. It was this that prompted James to take preventative action and by imprisoning two future chiefs of the central and northern Highlands he may have sought to instil in them the responsibilities of leadership from a Lowland perspective, much as James I had attempted with Alexander MacDonald, earl of Ross and third Lord of the Isles.⁵¹ Certainly their lengthy imprisonment suggests James had a long-term policy in mind.⁵² If James IV wanted to sever the connections of the Mackintoshes and the Mackenzies with the Clan Donald, such efforts were followed up by the promotion of closer links to the crown itself.

Following the death of William Mackintosh of Dunachton, thirteenth chief, in 1513, James Stewart, earl of Moray, received the gift of the lands which had pertained to Ferquhard, twelfth chief, and which had been in crown hands for the previous two years.⁵³ Moray, who received the marriage of Lauchlan, heir to the chiefship, took it upon himself to act as guardian of the young chief and subsequently married him to Jean Gordon, Moray's own half-sister.⁵⁴ This was a deliberate attempt by Moray to create a kin base within his earldom, a move that also brought the Mackintosh chief closer to the crown. But by involving himself in this way with the Mackintosh chief, Moray

⁵⁰ A. Mackenzie, *History and genealogy of the Mackenzies* (2nd ed., Inverness, 1894), 110, 112; Gregory, *History of the Western Highlands and Isles*, 91.

⁵¹ M. Brown, *James I*, 93–108.

⁵² Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 203; Gregory, *History of the Western Highlands and Isles*, 91. The two men attempted to escape only to be recaptured at Torwood, near Falkirk. The Mackintosh history asserts Mackenzie was killed and Mackintosh re-imprisoned, this time at Dunbar. Exactly when this happened is unclear. Mackenzie tradition suggests these events occurred in 1498/9, but evidence shows Ferquhard to be in Edinburgh in 1502 although in Dunbar by 1505. While Mackenzie is said to have died in captivity (although there is no evidence of him being imprisoned at all), Mackintosh was not released until 1513.

⁵³ *RMS*, ii, no. 2586; Paton, *Mackintosh Muniments*, no. 24. James Stewart, illegitimate son of James IV, was created earl of Moray in 1501.

⁵⁴ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 212. James Stewart was the illegitimate son of James IV and Janet Kennedy while Jean Gordon was the only daughter of Sir Alexander Gordon of Lochinvar and Janet Kennedy.

unwittingly created upheaval as many within the Clan Chattan did not welcome his interference in clan affairs. The subsequent wasting of Moray's lands by the clan as well as the "daly rasing of fire, slauchtir, murthur, heirschippis, and waisting of the cuntre" to the extent that there was little peace in the region at all resulted in a commission of fire and sword issued against the Clan Chattan to Moray who was then lieutenant-general of Scotland. Moray was ordered to pass

Vpon the Clanquhattane, and invaid thame to thair vter destruction, be slauchtir, byrning, drowing, and vthis wayis; and leif na creatur levand of that clann, except preistis, wemen, and barnis. . . . tak the wemen and barnis . . . to sum partis of the sey, nerrest land, quhair schippis salbe forsene on our expenssis, to saill with thame furth of our realme, and land with them in Jesland, Zesland, or Norway. . . .⁵⁵

The commission had been issued specifically to a number of earls, lairds and chiefs in the region including the earl and master of Sutherland, the earl of Caithness, John, lord Forbes, Hugh Fraser of Lovat, John Grant of Freuchy, Ewen Allanson, chief of the Camerons, John Mackenzie of Kintail, John Mackay of Strathnaver and William Chisholme, sheriff of Cromarty.⁵⁶ These men were all significant figures either locally or regionally in the north, central and eastern Highlands and reliance of the crown on the co-operation of clan chiefs with regional lords emphasises the overall agenda of James IV and James V to work with clans loyal to the crown in order to extend law and order, and punish lawlessness.⁵⁷ The commission against the Clan Chattan was never enacted, apparently on account

⁵⁵ *Miscellany of the Spalding Club*, ii, 83–4.

⁵⁶ Along with the sheriffs of Aberdeen, Elgin, Banff, Nairn, Forres, Inverness and all "frehaldaris, baronis, capitanis of Clannys, and gentilmen, oure trew liegis" within the said sheriffdoms.

⁵⁷ The appointment of Moray as lieutenant-general of Scotland came during the minority of George, fourth earl of Huntly, who succeeded his grandfather, the third earl, in 1524 at the age of ten. Following the death of Alexander, third earl of Huntly, the wardship of the earldom of Huntly had passed to Archibald Douglas, sixth earl of Angus, through his wife Margaret Tudor, but following her estrangement from her husband, she passed it to the earl of Moray. In 1528 Angus, however, was clearly still in control of the earldom although Moray requested that any forfeiture would not impinge on his supervision of the Gordon earldom. That same year James V had just escaped from the guardianship of Angus while the young earl of Huntly was still in the earl's care and both were absent from parliament of that year (cf. J. Cameron, *James V: the personal rule, 1528–1542* (East Linton, 1998), 31–51; J.P. Balfour (ed.), *The Scots Peerage*, iv, 534).

of the earl of Moray who was reluctant to take such drastic measures against the clan. Instead, Moray continued to build an alliance with the young Mackintosh chief, furthering the crown's dependence on co-operation between local chiefs and regional magnates.⁵⁸

James V issued this commission at the very outset of his personal rule in 1528, an indication of his refusal to tolerate those who challenged royal authority.⁵⁹ But in terms of the west Highlands and Isles James V's policy differed little from his father. He confirmed grants of lands to clans in the central and eastern Highlands and relied on their co-operation with regional lords for policing the region. James adopted a policy of closer communication with some west Highland chiefs during the 1530s but this came to an abrupt end in 1539 with the outbreak of another island rebellion. Once again this was a localised dispute, but James embarked on a circumnavigation of his realm in a display of royal, and imperial, authority.⁶⁰ Unfortunately rebellion would spark again in the isles a few years later, a result of the alliance between the islesmen and Henry VIII during the English 'rough wooing' of Scotland in the early years of the minority of Mary Stewart. The rebellion in 1545, however, involved the Clan Donald and other west Highland and island clans but those based in the central and eastern Highlands did not take part. Clans like the Grants, the Mackenzies, and Mackintoshes and Clan Chattan had benefited, either directly or indirectly, from the fall of the Lordship of the Isles and as they had adhered to regional authority and to the crown over the intervening decades, any restoration of the wider influence of the Clan Donald would not be welcomed. A few years later in 1548 James Grant of Freuchy received a grant of lands in Lochalsh, Lochcarron and Lochbroom formerly held by those who had participated in the 1545 rebellion, thereby extending the influence of loyal clans further into the western Highlands.

⁵⁸ *A Genealogical History of the Earldom of Sutherland from its origins to the year 1630* (ed.) R. Gordon (Edinburgh, 1813), 99–100, states that Moray had placed the young chief in the care of the laird of Strathnairn.

⁵⁹ There is some confusion regarding the dating of this commission. *Miscellany of the Spalding Club*, ii, xxxv, gives the date as 1528 while within the text, 83, claims it was issued in 1533. The commission itself states it was issued in November of the sixteenth year of James V's reign, therefore, making the year 1528 most likely.

⁶⁰ A. Cathcart, "Symbolic figurehead or political pawn?: the rebellions of Donald Dubh" in R.D. Oram (ed.), *The Lordship of the Isles* (forthcoming); R.A. Mason, "This realm of Scotland is an empire: imperial ideas and iconography in early Renaissance Scotland" in B.E. Crawford (ed.), *Church, Chronicle and Learning in Medieval and Renaissance Scotland* (Edinburgh, 1999), 81.

Regardless of direct, personal intervention by the crown in Highland affairs, regional authority had been relied upon throughout the sixteenth century and for the clans of the central and eastern Highlands this meant continued dominance of the Gordon earls of Huntly. George, fourth earl, was relied upon in the aftermath of the 1545 rebellion and despite a brief fall from favour in the 1550s during the regency of Mary of Guise, the power of the Catholic family appeared unchallenged. The Gordons themselves welcomed the return of the Catholic Queen Mary in 1561 and hoped for a counter-reformation. As a strong connection between politics and religion had been forged in previous decades Huntly was unprepared for Mary's actions which curtailed his position. In 1562, despite Huntly's administration of the earldom of Moray, Mary's Protestant half-brother James Stewart was created earl. Huntly regarded this as an insult and his subsequent actions resulted in the battle at Corrichie in 1562 where he was defeated by crown forces. This was a dramatic turn of events for a family that had risen to prominence on account of their loyalty and service to the Scottish crown and in terms of the Highlands had been an important regional link between crown policy and local chiefs like Mackintosh and Grant in the central and eastern Highlands. This role ensured the Gordons had well-established alliances with local leaders but at Corrichie, when the earl of Huntly opposed Mary, Mackintosh of Dunachton and Grant of Freuchy sided with the crown. Although dependants of the earl, they would not adhere to him in opposition to the monarch and this continued throughout the later 1560s when the earl of Moray, Regent, exploited his influence in the central Highlands to ensure Mackintosh and Grant remained supporters of the king.⁶¹ The Marian civil wars saw realignment and repositioning of alliances across Scotland as political and religious divisions cut across personal ambition and kin connections. The Mackintosh chief, who had accepted the reformed religion quite early, remained a supporter of the king although this was the result of political, not religious, considerations. During the regency of James Douglas, earl of Morton, local figures like Mackintosh of Dunachton

⁶¹ *RPCS*, i, 654, 668–9, 672–3; Fraser, *Chiefs of Grant*, iii, no. 132 shows that on 21 June 1569 Lauchlan was bound by James Douglas, earl of Morton, chancellor of Scotland, under pain of 5000 merks to appear before the Regent “in Abirdene the tenth day of Julii nix to cum”. This suggests Moray was very keen to receive Mackintosh's submission.

and Grant of Freuchy were relied upon by central government to assist in the policing of the central Highlands.⁶² The policy of co-operating with loyal clan chiefs, significant local figures in the central Highlands, was firmly in place long before James VI came to the throne.

James IV and James V tended to prefer conducting Highland policy through regional lords with sporadic personal intervention in the west when circumstances dictated. The latter sixteenth century saw a decisive shift towards direct crown intervention and perhaps as a result of this, historiography often has portrayed the reign of James VI as a turning-point in terms of crown relations with Gaeldom. James did manage to come to an unprecedented degree of co-operation with the Highland chiefs through the Statutes of Iona of 1609, but placing too much emphasis on James VI, however, ignores the contributions of earlier Stewart monarchs as well as regency governments towards the development of a 'Highland policy'.⁶³ It would be wrong to suggest that James VI was standing on the shoulders of giants when he came to formulate his legislative programme for reform of Highland society, but he certainly built on the initiatives of his predecessors. Unlike his mother, grandfather and great-grandfather, however, James' attitude towards the Highlands was less ambiguous. Like James V he spent a considerable amount of time hunting but did not share any enthusiasm for the more acceptable face of Highland society. He associated the use of the Gaelic language with a primitive and backward society and in the *Basilicon Doron*, written for his son Henry, James expressed his view of the Highlands as one of the many problems within the realm that had to be managed carefully. He spoke of the need to assert royal authority over the church, to stamp out "barbarous feides", to make the nobility submit to the laws of the country, and to extend law and order to the Highlands and the Borders.⁶⁴ But James' Highland policy, if indeed there was such a thing, was shaped by his determination to inherit the English

⁶² Paton, *Mackintosh Muniments*, no. 108; *RPCS*, ii, 674; iii, 91–2. Regent Morton issued a commission direct to the Mackintosh chief to be 'his justiciary in that part' (Badenoch) and to apprehend a number of named individuals charged with murder, theft, and other minor crimes.

⁶³ See M. Lynch, "James VI and the 'Highland Problem'", 208–27 regarding the formation of any such Highland policy.

⁶⁴ J.P. Sommerville (ed.), *King James VI and I. Political Writings* (Cambridge, 1994), 24–9.

throne.⁶⁵ In order to make himself acceptable to the English people he needed to export an image of a capable and effective ruler, the ultimate Renaissance monarch. The existence of his barbaric, savage subjects in the north and west who remained beyond the reach of royal authority would not be tolerated for much longer. Aware of the wider European debates regarding the place of 'uncivilised' societies James looked to his Gaelic inhabitants and perceived them to be a threat to the stability of his vision of 'Great Britain'.⁶⁶

Prior to 1603 the immediate threat to his succession to the English throne was the activity of the Highlanders both at home and in Ireland. While James was able to continue alliances with certain clans like the Mackintoshes, Grants and Mackenzies who were obedient to the crown, the migration of west Highland clans to Ireland to fight in the wars of the native Irish against Tudor rule was a pressing issue. This occurred against a backdrop of ongoing clan warfare in the west Highlands as various branches of the Clan Donald and other west Highland clans feuded amongst themselves. James had to counter internal unrest and external lawlessness by extending royal authority throughout his realm. It has been argued that as early as 1581 the emergence of James' Highland policy can be seen, as prior to this any attention to the Highlands had been 'negligible'.⁶⁷ An Act of Parliament passed that year expressed concern over the state of the Highlands where "monie greuous oppressionis and cruelties" had occurred and where James' "peceabill and guid subiectis . . . findis nothing mair intolerabill" than "the deidlie feidis borne be the clan-nis of theiffis brokin men and soirnairs".⁶⁸ This recognition of what was perceived to be a problem of law and order in the Highlands was followed up in 1587 by more tangible efforts to make clan chiefs and landlords within the Highlands accountable and James adopted methods already in use in the Border region.⁶⁹ Landlords, bailies and

⁶⁵ Compare the different interpretations of M. Lynch, "James VI and the 'Highland Problem'", 208–27 and J. Goodare, *The Government of Scotland 1560–1625* (Cambridge, 2004), 220–45.

⁶⁶ A.H. Williamson, "Scots, Indians and Empire", 46–83.

⁶⁷ J. Goodare, *State and Society in Early Modern Scotland*, (Oxford, 1999), 256.

⁶⁸ *APS*, iii, 218–9. The act of 1581 was an attempt to limit lawless behaviour in the Highlands but was aimed at broken men as they had no landlord who could be held responsible for their action.

⁶⁹ For a long time the Border region had been regarded as an area of 'endemic' lawlessness, although to some extent this was excused on account of the periods of Anglo-Scottish warfare which had ravaged the area repeatedly over previous cen-

clan chiefs were to be held responsible for those who inhabited their lands, whether tenants, dependants or broken men. Chiefs and landlords were required to give surety, a promise of good behaviour on the part of their dependants and tenants, and caution, a monetary payment included in such a pledge.⁷⁰ The 1587 Act for the controlling of the Highlands and Borders made a distinction between the western Highlands and the central and eastern Highlands. This was nothing new but it was an acknowledgement that a law and order problem existed in the central region as well as on the western seaboard, traditionally viewed as a source of disorder and where military activity and co-operation continued with Ireland.⁷¹

The distinction made clear in 1587 by the crown was highlighted in the unrest that broke out across the north and west of Scotland in the wake of the deaths of James Stewart of Doune, earl of Moray, and Sir John Campbell of Cawdor.⁷² The unrest concerned the king enough that he attempted to “appease the quarrels” between regional lords and local chiefs, a recognition that the success of crown policy depended to some extent on co-operation of regional and local figures.⁷³ In the wake of this unrest James’ attempts to initiate legislation that would ensure law and order had to be backed up with greater vigour. A commission of lieutenancy was issued to William Douglas, ninth earl of Angus, as the king’s lieutenant to bring to order the lawless broken men of the Highlands.⁷⁴ But James also continued to rely on local chiefs in the central Highlands like Mackintosh of Dunachton and Grant of Freuchy, to work in co-

turies. A.J. MacDonald, *Border Bloodshed: Scotland, England and the French Connection, 1369–1403* (East Linton, 2000); T.I. Rae, *The Administration of the Scottish Frontier, 1513–1603* (Edinburgh, 1966); M. Meikle, “Lairds and Gentlemen: a Study of the landed families of the eastern Anglo-Scottish borders 1540–1603” (University of Edinburgh, unpublished Ph.D. thesis, 1989); A. Cathcart, “Crisis of Identity: Clan Chattan’s response to government policy, 1580–1609” in S. Murdoch and A. Mackillop (eds.), *Fighting for Identity: the Scottish Military Experience 1550–1900* (Leiden, 2002), 163–84.

⁷⁰ *APS*, iii, 461–6 (59).

⁷¹ A.I. Macinnes, “Crown, Clans and Fine: the ‘Civilizing’ of Scottish Gaeldom, 1587–1638”, *Northern Scotland*, 13 (1993), 31, perceived this to be a definition by James of his ‘frontier problem’.

⁷² See pp. 173–7 below.

⁷³ *CSP Scotland*, x, 572, 820–1 made direct reference to the unrest. See also pp. 176–7 below.

⁷⁴ *RPCS*, iv, 453–6. There were further commissions throughout the 1590s and early seventeenth century (cf. *RPCS*, vii, 41, 74; viii, 72, 215–6, 507–8). See p. 177 below.

operation with regional authority and bring other disorderly clans, like the MacGregors, to justice. Reinforcing crown policy of working with loyal clans an Act of Parliament 1594 ordered that a list be drawn up which distinguished between

thame that ar and desirir to bee estemis honest and trew men and
thame that ar . . . thevis reisar is sorneris. . . .⁷⁵

This was followed up by the demand that all landlords, bailies and clan chiefs in the Highlands find sufficient caution for the broken men inhabiting their lands, furthering his efforts to make the Gaelic elite responsible for the actions of others within Highland society.

James may have adopted a more conciliatory approach toward certain clans in the aim of working with them and while his attitude towards those he regarded as lawbreakers was harsh, his policy in this respect was neither innovative nor successful. Forfeiture of land remained a favoured method of dealing with unruly clansmen, but this policy would only swell the ranks of broken men who would seek accommodation elsewhere, either in the central Highlands or in Ireland.⁷⁶ Like his predecessors James planned a number of expeditions to the west in order to assert royal authority in person, but few ever took place due to financial considerations and of those that did, James was not a participant preferring instead to remain in Edinburgh.⁷⁷ However, the issue of law and order in the Highlands was not the only reason why James initiated legislation towards the region. In fact pacifying the region was purely a springboard for further action. Increasingly throughout the last decades of the sixteenth century, and as the possibility of his succession to the English throne loomed large, James expressed his concern regarding the 'civility' of his subjects. Through a policy of civilisation James intended to integrate his Highland subjects more fully into Scottish society thereby asserting royal authority throughout his realm.

James' stated intention was to bring the Highlanders "to ane Godlie honest and civil maner of living" but his underlying agenda was the need to fill the royal purse. Crown revenues for the region were "frustrat" on a regular basis, and James regarded the state of poverty in which the majority of the inhabitant lived to be a result of their

⁷⁵ *APS*, iv, 71–3, c.37.

⁷⁶ *RPCS*, viii, 751.

⁷⁷ M. Lynch, "James VI's 'Highland Problem'", 217.

own ignorance and idleness. Indeed, he maintained it was through their own “barbarus inhumanitie” that the Highland region was “altogidder unprofitable” because James believed the Highlands were “maist commodious . . . alsueill be the fertillitie of the ground as be riche fischeingis be sey”.⁷⁸ The king’s concern to improve the behaviour of his Gaelic subjects was the means by which he could extract full crown revenues from the Highlands and in his mind the two aims went hand-in-hand. The political and economic aspects of any Highland policy that James may have had were inextricably connected yet expressed through religious and ‘civilizing’ terminology.⁷⁹

Two acts of 1597 established the framework by which the civilisation of the Highlanders would be achieved. The first act demanded that all landowners in the Highlands and Isles present themselves before the Council with charters to prove legal right to the lands and fishing they laid claim to. These would be re-granted by the crown once the chiefs had promised to make annual payment of rent for their lands. If unable to produce the necessary charters chiefs could face forfeiture and their land would revert to the crown, a policy which created considerable uncertainty in the region and resulted in the forfeiture of the MacLeods of Lewis.⁸⁰ The second act sought to integrate clan society into Lowland commercial society, after all James wanted to extract the financial benefits of a region he believed to be rich and fertile. Whether or not he was aware of the trade that

⁷⁸ *APS*, iv, 138; *Collectanea de Rebus Albanicis*, 157–9.

⁷⁹ There is considerable disagreement regarding a policy that James VI may or may not have had. Michael Lynch argues James had a clear agenda in mind regarding the Highlands but that he adopted a series of measures in his attempt to achieve his ends. In contrast, Julian Goodare imposes a more rigid structure on what he perceives to be James policy, emphasising the continuity contained within and between the various measures James implemented. This debate comes to the fore not only regarding the Statutes of Iona but concerning James himself and his ability and successes as a king. See M. Lynch, “James VI’s ‘Highland Problem’”, 208–27; J. Goodare, “Scottish Politics in the Reign of James VI”, in J. Goodare & M. Lynch (eds.), *The Reign of James VI*, 32–54; J. Goodare, “The Statutes of Iona in Context”, *SHR*, lxxvii, i, no. 203 (1998), 31–57; J. Goodare, *The Government of Scotland 1560–1625* (Oxford, 2004), 220–45; J. Goodare, *State and Society in Early Modern Scotland*, chapters 3 & 8; M. Lee, *Government by Pen: Scotland under James VI and I* (Urbana & Chicago, 1980), 75–82; M. Lee, *The ‘Inevitable’ Union* (East Linton, 2003), 133–44; A.I. Macinnes, “Crown, Clans and Fine: the ‘Civilizing’ of Scottish Gaelicdom, 1587–1638”, 31–55; A.I. Macinnes, *Clanship, Commerce and the House of Stuart, 1603–1788* (East Linton, 1996), 56–87; R.A. Dodgshon, *From Chiefs to Landlords: social and economic change in the western Highlands and Islands c.1493 to 1820* (Edinburgh, 1998), 89–97.

⁸⁰ *APS*, iv, 138–9.

took place within the Highlands he wanted to ensure that the customs and duties due to him were collected prompting him to propose the establishment of three burghs within the Highlands.⁸¹ Although his underlying motivations are evident, James continued to assert the Highlanders were

voyd of ony knowledge of God of his Religioun and naturalie adhoir-
ing all kind of civilitie quha hes gevin thame selfis ovir to all kind of
barbarietie and inhumanitie. . . .⁸²

He most probably believed in these lofty aims of bringing religion to the barbarous Highlanders but the 'implanting' of Lowlanders into Lewis would require firm, decisive action. Through plantation James hoped the Highlanders would absorb the virtues of Lowland society, submit to royal authority, live peacefully, and pay their rents. Unfortunately for the king, the Lewis experiment that began in earnest late in 1598 ended in abject failure. Lewis, however, was not the only guinea pig and a proposal by Huntly for plantation of the northern isles was given serious consideration before being rejected by the council on financial or political grounds.⁸³

The failure of legislation, forfeiture, extirpation and plantation meant that by the time James had succeeded to the English throne in 1603 the Highland problem had not been resolved. He had put in place measures which ensured chiefs and clansmen were more accountable to crown and government but his aims of reaping full crown revenue and of integrating Highland society fully into that of the Lowlands were not realised.⁸⁴ From 1603 onwards James was an absentee monarch as far as the Highlands and Isles were concerned but he continued to observe the situation from London. Despite his

⁸¹ *APS*, iv, 139; *Collectanea de Rebus Albanicis*, 159.

⁸² *APS*, iv, 160–4. Here James was referring specifically to the inhabitants of Lewis in the light of his plan for the island.

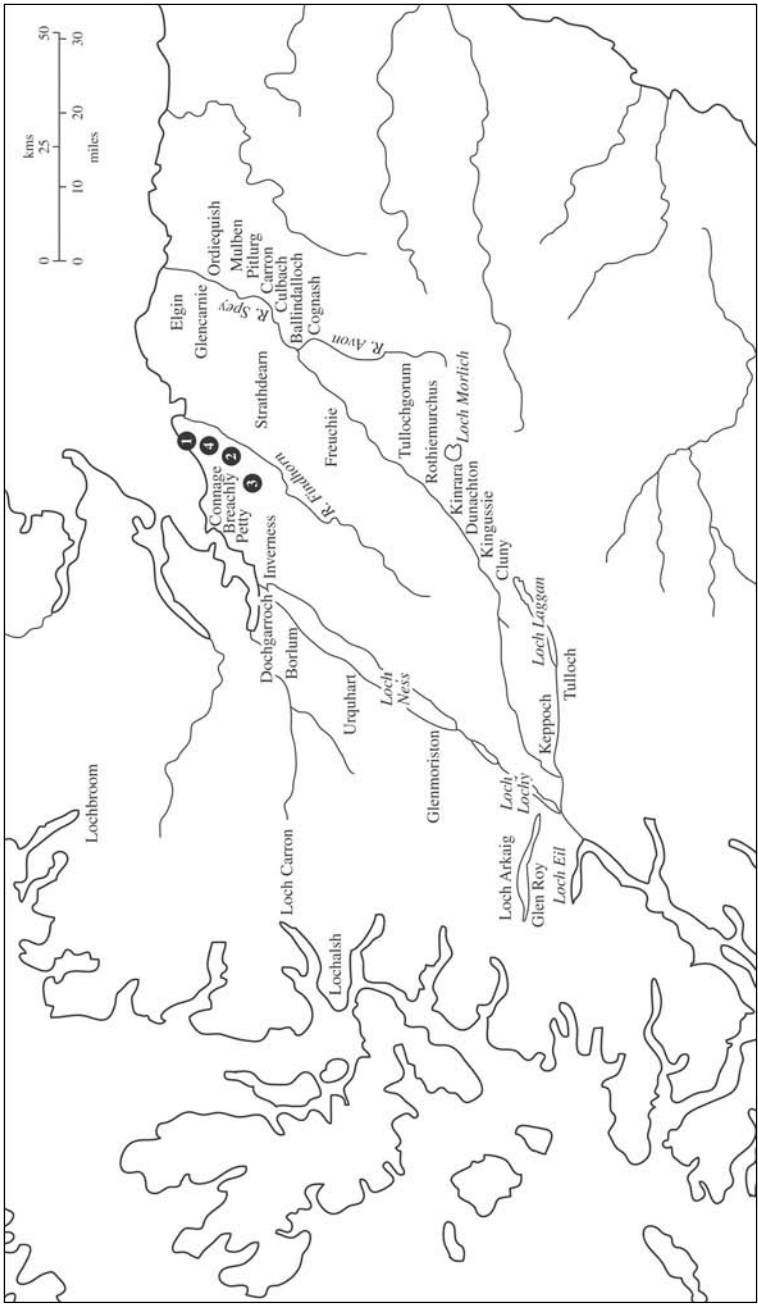
⁸³ 'Denmlyne MSS' in J.R.N. Macphail (ed.), *Highland Papers* (Edinburgh, 1920), iii, 100–05; J. Goodare, 'The Statutes of Iona in Context', 31–57. The north of Ireland was the only other region where colonisation was approved, the results of which highlight the complete failure of his policy both short- and long-term. J. Goodare, *Government of Scotland 1560–1625*, 220–45 uses theoretical models to examine James VI's policy of colonisation. While this is interesting, it suggests the king had a very clear and defined policy regarding the Highlands which, when one considers the evidence, is not the case. See pp. 202–3 below.

⁸⁴ Despite the general view of historians which emphasises James' success in terms of bringing law and order to the Highlands.

reliance on the Scottish administration for enforcement of royal policy James played an important role in formulating a new package of measures for the region shaped by co-operation and conciliation and which ultimately led to the Statutes of Iona of 1609. The main beneficiary of crown co-operation with loyal clans was the chief of the Mackenzies of Kintail, elevated to a peerage in 1613.⁸⁵ While the region as a whole continued to witness unrest as the various factions of the Clan Donald continued to feud with each other, the shift towards conciliation rather than coercion resulted in the ongoing co-operation of clans like the Mackintoshes and Grants with the crown and central authority. In the west the increased intervention of the Stewart monarchs during the sixteenth century had initially resulted in alienation and increased hostility towards the crown. By the turn of the seventeenth century it had become accepted, a result of more conciliatory moves by both the crown and certain clans who recognised the benefits of such a policy.

For the Mackintoshes and Grants in the central and eastern Highlands, co-operation with the crown and regional authority had prevailed throughout the entire sixteenth century. The act of 1587 differentiated between the western Highlands and Isles and the central and eastern Highlands, but James VI had a tendency to issue legislation to the region as a whole. His realisation that co-operation with loyal clans was a productive one came exactly a century after James IV had embarked on a similar policy when he granted the barony of Urquhart to John Grant of Freuchy in 1509 as a means of spreading order amongst disorder. Co-operation between the central and eastern Highland clans and the crown was not, however, continuous, interspersed with episodes where the relationship became fraught. This analysis of clanship in the central and eastern Highlands will assess the breakdown and failure of this level of co-operation and evaluate the extent to which the characterisation of the region as lawless can accurately be applied to the central and eastern Highlands. Closer examination of clan society is necessary, focussing on how it was structured, how it operated and how local and regional politics interacted before such an assessment can be made.

⁸⁵ *RPCS*, viii, 380, n 470.



Map 6. Map of key places in central and eastern Highlands relating to the Mackintoshes and Clan Chattan and the Grants of Freuchy

CHAPTER TWO

CLANSHIP: INTERNAL CLIENTAGE

In an attempt to provide a more detailed analysis of clan society, this chapter focuses on how clans operated and retained cohesion, examining the various bonds of clientage created and maintained within clans. The need to reinforce the clan relationship was of paramount importance to the Mackintoshes and Clan Chattan, a clan lacking in kin ties between the various satellite kindreds and the clan chiefs. The traditional view of the clan system as “a body of people related by blood, descended from a common ancestor, inhabiting a clan territory, ruled by a chief who is head of the kin, wearing a clan tartan and all having the same surname” is, thankfully, no longer a widespread one.¹ But if the basic unifying force of kinship was absent then greater exploration of the clannish relationship is necessary to highlight the internal bonds that maintained clan solidarity. One historian described clanship as the result of the interaction of kinship, local association and feudalism while another described the structure of Highland society as kinship tempered by feudalism in contrast to Lowland society which was feudalism tempered by kinship.² While the importance of kinship is acknowledged it alone was not sufficient to ensure clans maintained internal cohesion in the face of encroaching territorial claims of other clans, dispersed clan settlement and issues of conflicting landlordism. In concentrating on the creation of internal clientage central to this discussion is the role of the clan chief.

¹ D. Stevenson, *Alasdair MacColla and the Highland Problem in the 17th Century* (Edinburgh, 1980, reprinted 2003), 10.

² A.I. Macinnes, “Social Mobility in Medieval and Early Modern Scottish Gaelic: the Controvertible Evidence”, *TGSI*, lviii (1992–1994), 371; T.C. Smout, *A History of the Scottish People, 1560–1830* (London, 1969), 43. W.F. Skene, *Highlanders of Scotland* (2nd edn., Stirling, 1902), ii, 101 states “the people followed their chief as the head of their race, and the representative of the common ancestor of the whole clan”; while W.C. Mackenzie, *The Highlands and Isles of Scotland. A Historical Survey* (London, 1937), 87 argues the “essential feature of the clan system is denoted by its name, *clan*, children. It was the offspring of tribalism. Kinship lay at its root. . . . Yet whether blood-relation or not, all the clansmen have a common name, by birthright or by adoption, and that name was derived from a common ancestor whose historicity was not always unassailable. The name was the binding link between members of the clan”.

Role of the chief

The position of the chief was regarded with some suspicion and hostility by central authority on account of the belief that clansmen owed allegiance primarily to their chief, a loyalty perceived to undermine that due to the crown as the ultimate authority within Scotland. During the late fifteenth and sixteenth centuries there was a growing awareness on the part of central authority of the usefulness of the chief in dealing with clan society which resulted in chiefs being forced to assume responsibility for their kinsmen, clansmen and dependants as well as any broken or landless men inhabiting parts of their land. In the latter decades of the sixteenth century there was a clear move by James VI to try to integrate clan chiefs into Lowland society, bringing them closer to 'civility'. While the Campbell earls of Argyll, chiefs of the Clan Campbell, managed successfully to combine their role as traditional clan chief with duties in government this was a delicate and somewhat uneasy balance for others to try to maintain. The role of the chief in clan society was pivotal, and made increasingly so by legislation issued from Edinburgh. To interpret the role of clan chief as father to his children emphasises the patriarchal nature of clanship but such an analogy can be misleading, for it was an office that required considerable skill.³

The traditional view of the chief is of a paternalistic figure with impressive military prowess around which developed something akin to a 'heroic' cult. Greater insight into the expectations of a chief is offered by Gaelic poetry but this information needs to be handled carefully as *seanchaidh* or poets wrote for the chief who patronised them and who, consequently, was portrayed in exaggerated, idealised terms. Despite this idealism, however, Gaelic poetry can provide unique insights into the psyche of clan society.⁴ The chief was considered superior to his clansmen, not just in social order, but was regarded as having higher morals and greater physical and personal beauty. In order to convey this at times the chief was described as a lover, on other occasions his military ability was the key attribute.

³ The Gaelic word *clann* translates into English as children.

⁴ J. MacInnes, "Gaelic Poetry and Historical Tradition" in L. Maclean (ed.), *The Making of the Highlands in the Middle Ages* (Inverness, 1981), 142–63; J. MacInnes, "The Panegyric Code in Gaelic poetry and its historical background", *TGSI*, li (1978–80), 435–98; W. McLeod, *Divided Gaels. Gaelic Cultural Identities in Scotland and Ireland c.1200–c.1650* (Oxford, 2004).

As well as displaying feats of courageousness, demonstrating his skill as a warrior, hunter, horseman and seaman, a chief was benevolent to his clan members, providing for them through lavish feasts, often to excess.⁵ Chiefly displays of feasting were immense, extravagant and lasted several days. Feasting combined the need to re-distribute the food resources of the clan with the aim of emphasising a chief's wealth and hospitality. The Macleods of Dunvegan had an apt reminder of their chiefs' generosity in the geographic formation of Macleod's Tables, the flat-topped mountains visible from the castle. The symbolism was clear: "with a table this size, Macleod was to be a great chief".⁶ These expressions of hospitality and generosity had a political message as well as a fundamental socio-economic objective. A chief wanted to show his neighbours and enemies the extent of his wealth, his influence and his kindness while simultaneously securing the well-being of his clan. However, the chief's ability to feast depended largely on the participation of the entire clan in the economic exchange system inherent in clan society. The rentals that chiefs collected from their clansmen and dependants had to be used wisely as clans could not afford to waste food resources. It has been argued that this emphasis on hosting, feasting and chiefly benevolence as well as the ongoing demand for food could be a cause of incidents of cattle-raiding, stealing grain, and wasting another clan's lands. Participating in such raiding a chief increased his own capacity to host, while limiting the ability of another to do the same.⁷

Responsibility for the economic well-being of his clansmen and dependants was only one of a number of functions chiefs were required to fulfil, as they were expected to defend their clan and estate from attack, deal with matters of justice and retribution, and maintain clan cohesion. John Leslie, Bishop of Ross, writing of William Mackintosh of Dunachton, fifteenth chief, stated that he

defended his clan against the invasions of their enemies, their neighbours, and caused minister justice to them in the manner of the country, so that none should be suffered to make spoil or go in sorning, as they call it, or as vagabonds in the country.⁸

⁵ J. MacInnes, "Clan Unity and Individual Freedom", *TGSI*, xlvii (1971-2), 338-73; J. MacInnes, "Gaelic Poetry and Historical Tradition", 158.

⁶ R.A. Dodgshon, *From Chiefs to Landlords. Social and Economic Change in the Western Highlands and Islands of Scotland c. 1493-1820* (Edinburgh, 1998), 85. See pp. 140-4 below.

⁷ R.A. Dodgshon, *From Chiefs to Landlords*, 87.

⁸ *The Historie of Scotland written first in Latin by Jhone Leslie; and translated in Scottish*

Such chiefship would be acclaimed by Lowland society as spoiling and sorning were the characteristics of clan society widely condemned and that contributed to the image of the Highlander as lawless. Lowland society was aware of the militarised nature of clanship and although some Lowland magnates sought to utilise this for their own benefits, it too contributed to the negative description of Gaeldom. Within Highland society, however, a chief's military ability was highly praised.⁹ Bardic poetry conveys the idealised image of the chief as a famous warrior,¹⁰ and the importance of military ability was reinforced through references to the physical stature of the chief.¹¹ While the ideal of physical perfection was expressed in bardic poetry, conveying something of what a chief was perceived to represent, chiefly names suggest the reality was different. Designations such as *crotach* [humpback] and *bacach* [lame] can be found, albeit along with less-disabling qualities such as *storrach* [buck-toothed].¹² Qualities such as physical perfection and military prowess may form part of the traditional perception of the chief in Gaelic society but the fundamental obligations of the chief were to protect, provide and administer

by Father James Dalrymple (ed.) E.G. Cody & W. Murison (Edinburgh, 1888–95), ii, 211n, quoted in R.W. Munro, "The Clan System—Fact or Fiction" in L. Maclean (ed.), *The Making of the Highlands in the Middle Ages*, 119.

⁹ K. Simms, *From Kings to Warlords: the changing political structure of Gaelic Ireland in the later middle ages* (Woodbridge, 1987), 41, 51–2. The ability to lead his men in battle, providing good leadership was also recognised as a fundamental attribute in Irish society. There it was common for kings to maintain their position by sheer military might, and the ability of a chief in battle was one of the greatest tests of the right to hold office. *Tecosa Cormaic*, an early Irish tract, mentioned military prowess in the context of seizure of the kingship. Taking the kingship by force was considered acceptable and it gave an individual great justification for holding the position. In some cases, therefore, it may well have been that the king was he who 'hath strongest armye and hardeyst swerde'. In a separate tract, however, different means of succeeding to the kingship are recorded. Election to the position by the people over whom a king would govern was the generally accepted rite of succession (cf. D.A. Binchy, *Celtic and Anglo-Saxon Kingship* (O'Donnell Lectures, 1967–8), 9–12). Appointment by the gods was also acknowledged as legitimate in earlier times where greater emphasis was placed on omens and visions.

¹⁰ J. MacInnes, "Clan Unity and Individual Freedom", 343. Chiefs were idealised as having *rosg gorm* [blue eyes], *deud-gheal* [white toothed], *dearg* or *corra* [ruddy] cheeks, and *cul slim* [smooth tresses] or *ciabh iongantach nan òr-dhual* [golden locks].

¹¹ J. MacInnes, "The Panegyric Code in Gaelic Poetry", 453–9.

¹² J. MacInnes, "Clan Unity and Individual Freedom", 343–6. But in other instances, physical imperfection did have an impact on succession. In 1422 William, Thane of Cawdor, entailed his estate to his second son, John, passing over his eldest son, William, who was a cripple. However, William did receive the sheriffship and constabulary of Nairn, and an annuity of £20 until he gained an ecclesiastic benefice (cf. NLS ADV. MS 32.6.7., fol. 24).

justice.¹³ These same functions are the at the root of understanding how clan society operated and the attempts of chiefs to fulfil these expectations led to the perception of Highland society as one of inherent disorder and lawlessness.

The relationship between chief and clan was a reciprocal one. In return for fulfilment of his obligations, a chief expected the loyalty and obedience of his clan members and their participation in the political and economic affairs of the clan as a whole.¹⁴ As this relationship was at the heart of the clan system, membership of a clan was available to any seeking protection of a particular chief. The agreement whereby clan membership was extended to others was largely customary. The Kinrara manuscript recounts the promises given by satellite kindreds to Mackintosh chiefs in earlier times.

Milmor Macbean . . . and his four sons, Paul, Gillies, Milmor, and Ferquhard . . . took their way straight towards . . . William [seventh chief of the Mackintoshes] and, faithfully promising subjection to him, they asked and obtained from him, as their leader and protector, patronage and safeguard for themselves and their posterity.¹⁵

By the end of the sixteenth century it had become necessary, at times, to formalise it through a written contract, especially when lesser kindreds without any ties of kinship sought to join the clan. During the years 1592 to 1595 various men of Craignish, namely 'Malcolme Moir Makesaig, Donald bane Makesaif, Duncan Makesaig and Gilcallum Makesaid his sonnes' gave a bond

to thair weill belovit Ronald Campbell McEan vcDonald of Barchibayen and to his airis . . . and sall follow and obey him and his airis . . . and sall obey thame as native men aucht and sould do to thair cheiff in tyme coming. For the quhilk the said Ronald for him and his airis, bindis and oblissis him and thame to be ane guid cheiff and maister to the saidis personis and thair successioun as his native men.¹⁶

¹³ A.I. Macinnes, *Clanship, Commerce and the House of Stuart, 1603–1788* (East Linton, 1996), 2–3.

¹⁴ A.I. Macinnes, *Clanship, Commerce and the House of Stuart*, 1–8. See also R.A. Dodgshon, *From Chiefs to Landlords*, 7–12; 31–54; J. MacInnes, "Clan Unity and Individual Freedom", xlvii (1971–72), 338–73.

¹⁵ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 174.

¹⁶ *Collectanea de Rebus Albanicis* (eds.) D. Gregory & W.F. Skene (Edinburgh, 1847), 197–8. This was a bond of 'manred and calpis' (manrent and calp). These issues will be discussed in pp. 85–93 below.

The acceptance of the relationship of reciprocity as the basis of clan-ship does not align easily with the traditional view of the chief as a dominant, somewhat authoritarian, figure. Rather the issue of reciprocity raises further questions regarding the relationship between chief and clansmen which ought to be considered in the light of the analogy between chief and monarch and the concept of 'elective' chiefship.¹⁷ The view of the chief as one who has ultimate authority is supported by what has been termed the 'traditional values of clanship'.¹⁸ Such a view holds that the position of the chief can be perceived as analogous to that of king. Within clan society the Stuart monarchy was regarded as custodians of Scotland in the same way as the chiefs were custodians of clan lands and, therefore, in the minds of the clansmen the position of the chief, like kings, had a religious basis because they were believed to be chosen by God to rule. This view of the chief and king is intimately associated with the fifth commandment, portraying them both as father to their children, and was combined with the concept of hereditary right as the basis of legitimate rule.¹⁹ However, these views of divine right and 'dynastic legitimacy' which bound clan society to support of the Stuart monarchy after 1689 are a seventeenth-century construct. Association of clan society with the House of Stuart was forged during the upheavals of the civil wars of the 1640s and Gaelic poetry which emphasises the relationship between the king and his people and a chief and his people dates from this time.²⁰ The importance attributed to hereditary right is much greater after this time but

¹⁷ J. MacInnes, "Clan Unity and Individual Freedom", 338–73.

¹⁸ A.I. Macinnes, *Clanship, Commerce and the House of Stuart*, 188.

¹⁹ A.I. Macinnes, *Clanship, Commerce and the House of Stuart*, 188; J. MacInnes, "Clan Unity and Individual Freedom", 352–3.

²⁰ J. MacInnes, "Clan Unity and Individual Freedom", 338–73; D. ní Suaire, "Jacobite Rhetoric and Terminology in the Political Poems of the Fernaig MS (1688–1693)", *Scottish Gaelic Studies*, xix (1999), 96–7 "... Alasdair Mac Mhaighstir ... writing in the middle of the eighteenth century ... tends to see the relationship between the king and his people as being similar to that between a parent and child. In one poem he says that James VII's subjects are unhappy: 'Like a tender brood unmothered' ". My thanks to Wilson McLeod for this reference. Aonghus MacAlasdair Ruaidh [Angus MacDonald of Glencoe] supported the Stuart kings because they were custodians of the land while Alasdair MacMhaighstir Alasdair condemned the Hanoverian succession of George I because "there are more than fifty people closer in blood and claim ... in the continent of Europe" (cf. A.I. Macinnes, *Clanship, Commerce and the House of Stuart*, 188–90).

should not be imposed back onto earlier centuries.²¹ Indeed, if hereditary right, regarded as granting legitimacy to the chiefship, was a 'traditional value' of clan society, it does not adequately explain why unanimous support for James VII after 1689 was not forthcoming.

In order to determine exactly what the role of the chief was in Highland society during the late fifteenth and sixteenth centuries there is a need to look beyond meanings which have been imposed onto clan society by later commentators in order to explain or justify political agendas. This is not to say that such views lack validity, but while they may be apt for the late seventeenth and eighteenth centuries it cannot be assumed they prevailed in earlier centuries. In poetry of earlier centuries bards tended to idealise their chiefs, although on occasion they would criticise or admonish them, expressing the views of the clan if their chief failed to live up to the expectations placed upon them. This ability to comment on a chief's actions is some indication that far from having ultimate authority, a chief had to consider the interests of his people and act accordingly. Whether the people had the right or the capacity to remove a chief and choose another should they wish is another matter entirely. If such theories regarding the nature of kingship prevalent in the late fifteenth and sixteenth centuries were applied to clan society it could be argued that the people had the right to depose a chief and choose one they felt was more suitable for the role.

Theories concerning the nature of kingship in Scotland, arguably, have evolved from the Declaration of Arbroath of 1320 through to the sixteenth century, while the debate concerning the right to resist a tyrannical monarch became increasingly pertinent following the deposition of Mary, Queen of Scots, in 1567.²² Along with figures such as John Mair and John Knox, it was George Buchanan who was central in promoting views of popular sovereignty and elective monarchy, expounded in his *Historia Rerum Scotticarum* and *De Iure*

²¹ J. MacInnes, "Clan Unity and Individual Freedom", 352. When discussing the "divine right of the chief of the allegiance of his people" MacInnes argues that this concept "harmonises exactly with the divine right of kings as taught by the Laudian party and in the Anglican communion during the 17th century, and by the non-juring Episcopalians in Scotland during the 18th century".

²² R.J. Tanner, *The Late Medieval Scottish Parliament: Politics and the Three Estates, 1424-1488* (East Linton, 2001); M. Brown, "'I have thus slain a tyrant': *The Dethe of the Kyng of Scotis* and the Right to Resist in Early Fifteenth-Century Scotland", *Innes Review*, xlvii (1996), 24-44.

Regni apud Scotos Dialogus.²³ In his *Historia* Buchanan emphasised the constitutional significance of Hector Boece's description of the forty early kings of Scotland descended from Fergus, along with Boece's assertion that Fergus had been elected while another thirteen of these kings resisted and deposed as tyrants.²⁴ Boece did not advocate any radical ideas in his *Historia* but Buchanan, in contrast, used Boece's work to his own ends. Buchanan asserted that the shift towards primogeniture as the normal means of succession within Scotland actually enshrined an agreement between the Scottish crown and the nobility. In return for acceptance of succession of the crown through male primogeniture, the nobility retained the right to resist and depose a king who acted against the interests of the political community.²⁵

In support of this argument Buchanan pointed to the succession practices still common in the Scottish Highlands and Isles. He argued that Highlanders

right up to our own times, elect their chiefs, and once elected associate with him a council of elders; those chiefs who do not obey this council are deprived of their office.²⁶

In terms of the 'council of elders' Roger Mason suggests Buchanan may have been referring to the Council of the Isles which traditionally met at Finlaggan on Islay to discuss matters concerning the Lordship of the Isles and offer advice.²⁷ Unfortunately, Buchanan does not make any attempt to elaborate on his view of 'elective' chiefship nor does he present any evidence to support it so caution is needed before accepting his assertions. Buchanan had a more favourable attitude towards his Highland neighbours than most other

²³ George Buchanan, *History of Scotland*, trans. J. Aikman (Glasgow, 1827); *A Dialogue on the Law of Kingship among the Scots. A critical edition and translation of George Buchanan's De Iure Regni apud Scotos Dialogus* (eds.) R.A. Mason & M.S. Smith (Ashgate, 2004). Buchanan's *De Iure* was written soon after Mary's deposition but not published until 1579.

²⁴ *The Chronicles of Scotland, compiled by Hector Boece, translated into Scots by John Bellenden* (ed.), R.W. Chambers, E.C. Batho & H.W. Husbands (Scottish Text Society, 1938–41).

²⁵ R.A. Mason, "Civil Society and the Celts: Hector Boece, George Buchanan and the Ancient Scottish past" in E.J. Cowan & R.J. Finlay (eds.), *Scottish History. The Power of the Past* (Edinburgh, 2002), 110–11.

²⁶ *A Dialogue on the Law of Kingship among the Scots* (eds.) R.A. Mason & M.S. Smith, 103.

²⁷ *A Dialogue on the Law of Kingship among the Scots* (eds.) R.A. Mason & M.S. Smith, 196. For the Council of the Isles see pp. 77–8 below.

figures in Lowland society, perhaps because he had been born in Killearn and 'almost certainly' spoke Gaelic.²⁸ However, his description of 'elective' chiefship fits too comfortably with his own argument regarding the nature of kingship and the ancient Scottish constitution, possibly a reason why Buchanan asserted the existence of a contractual relationship between the chief and his clan. To suggest that a system of 'elective' or contractual chiefship operated in the Highlands would be to impose later arguments onto earlier times for a second time. In the sixteenth century the views of Buchanan and others were being tentatively formulated and expounded in reaction to political circumstances and it is unlikely a contractual relationship between clan and chief had prevailed during earlier centuries. If it had, Buchanan would have spoken with greater authority regarding the existence of 'elective' chiefship and used numerous examples to support his theories of contractual monarchy.

There are, nonetheless, a number of examples in Highland society that corroborate Buchanan's view. At the turn of the sixteenth century Iain Aluinn, chief of the MacDonalds of Keppoch, was deposed by the principal men of his clan because he was felt to be unfit to hold the office.²⁹ Earlier, in 1407, Ferquhard, ninth chief of the Mackintoshes, "voluntarily resigned his birthright and heritage" because "he was wholly given to ease".³⁰ Another source stated Ferquhard, being "of a rather peaceable disposition and not wishing to join in any of the troubles of the time", stood down from the chiefship while his children are said to have relinquished any claim they might have over the chiefship and clan estate.³¹ Ferquhard resigned the chiefship in favour of his uncle Malcolm who "with the general applause and approval of all his friends" was "declared chief".³² The choice of Malcolm Mackintosh as tenth chief involved no radical move for the clan as, according to the principles of hereditary right, he was the next legitimate male heir. Thus, the chiefship remained within the same descent group suggesting a more regularised method of succession

²⁸ R.A. Mason, "Civil Society and the Celts", 98. See also pp. 37–8 above.

²⁹ Gregory, *History of the Western Highlands and Isles*, 108–9; N.H. MacDonald, *Clan Ranald of Lochaber: a history of the MacDonalds or MacDonnells of Keppoch* (Edinburgh, 1971), 6–7. However, little is known of this incident although it would support the argument of contractual chiefship.

³⁰ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 182.

³¹ NLS MS 9854, fol. 15; A.M. Mackintosh, *The Mackintoshes and Clan Chattan*, 67.

³² Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 184.

to the office, while much was made in Mackintosh genealogies of Malcolm's chiefly attributes. He was described as "a man of lofty and contriving mind, of moderate stature, very patient in enduring every kind of hardship, of hunger, cold, labour, and want of rest; fortunate in war, and well instructed in every kind of virtue".³³ In the mid sixteenth century the clan still had considerable say in the governing of its affairs. The minority of Lauchlan, sixteenth chief, saw Gilbert Kennedy, third earl of Cassillis take control of clan affairs. Following his death an assize was held on 21 April 1561, consisting of numerous satellite kindreds of the Clan Chattan, including the Macphersons, Macqueens, and MacFarquhars, where it was agreed that Donald Mackintosh of Culernye was able to take control of clan affairs because he was twenty-five years old and nearest agnate of the young chief.³⁴

An incident in the 1540s is equally ambiguous regarding succession to the chiefship. John Moydertach, although illegitimate, succeeded to the chiefship of the Clanranald following the death of his father, Alexander Macruari. Moydertach was later imprisoned because of unlawful behaviour and during this time an attempt was made to seize the chiefship by Ranald Macruari, half-brother of the late Alexander Macruari, who had been raised by his mother's kin, the Frasers of Lovat.³⁵ On his release from prison Moydertach displaced

³³ NLS MS 9854, fol. 16. Interestingly, these attributes are quite similar to the 'virtues' of Highland clanship expounded by Hector Boece in his *Scotorum Historia*. See R.A. Mason, "Civil Society and the Celts", 95–119.

³⁴ NAS GD 128/31/2/1. However, Donald was not regarded as Lauchlan's heir.

³⁵ A. Mackenzie, *The Macdonalds of Clanranald* (Inverness, 1881), 6, 11–13. Alan Macruari, chief of Clanranald, died in 1509 and was succeeded by his son Ranald from his marriage to Florence, daughter of Donald MacIan of Ardnamurchan. Ranald in turn was succeeded by his son, Dougal, in 1513. Due to the general disapproval of him as chief by the clan, "for his extreme cruelty and crimes against his own kindred", and for his failure to protect their heritage, Dougal was put to death, his children cut off from the line of succession, and control of the clan passed to his brother Alexander. After Alexander's death in 1530 the chiefship was conferred on his illegitimate son John Moydertach. Ranald 'Galda', a brother of Alexander and Dougal by Macruari's second marriage to Isabella, daughter of Thomas, fourth Lord Lovat, was nearest legitimate male heir but made no attempt to assert his right to the chiefship. Another version of this is found in NLS ADV. MS 32.6.13., fols. 208–26. A sister of Lord Lovat married the chief of the Clanranald and bore one son, Ranald. However, she died young, the chief remarried and had many children by a daughter of Torcal McLeod of Lewis. Due to "an unreasonable and unaccountable fondness for the son of the second marriage" he ensured that his eldest son from his first marriage, Ranald, would not succeed him to the chiefship, and designated his son from his second marriage to be his heir. The rea-

Ranald from the chiefship by gaining a decisive victory at the battle of Blar-nan-leine. This example raises two issues regarding the office of the chief; whether it could be seized by force and if this was contrary to the wishes of the clan, and extent to which Ranald's chiefship was accepted initially because he had some claim through hereditary right. It is difficult to draw any firm conclusions as there is little evidence. If there was an elective or contractual element to the office it could be argued that Malcolm Mackintosh became chief because he was regarded as capable of fulfilling the demands of the chiefship. The case of John Moydertach suggests that being 'fortunate in war' was more important than other attributes and, therefore, his military victory over Ranald was decisive in regaining the chiefship. Indeed, while the Clanranald inflicted a heavy defeat on the Frasers of Lovat at Blar-nan-leine more important was the gathering of Clanranald support behind Moydertach and not Ranald Macruari. Yet Ranald Macruari, a serious contender for the chiefship, had close kin ties to the chiefship emphasising the importance of hereditary right in the succession.

In clan society the prevalence of hereditary right has been said to highlight the almost mythical or mystical attachment of the people to their chief and says a great deal about the significance of the office itself. Within elite society across Europe in general, however, familial pride was expressed through concern for the preservation of the lineage and the importance of marriage connections. This was no less so in Highland society where oral tradition often focussed on descent from a heroic ancestor and where, during the late medieval and early modern period, genealogies were re-written to suit a particular political agenda.³⁶ In the immediate context, concern for the clan was expressed through the need to provide a male heir to inherit the family estate and continue the chiefly line, as well as to secure internal strength of clan members. Minorities of chiefs could be

son put forward for any objection to this move, however, was Lovat's perception of it as "a very high indignity". There was no mention of succession rights.

³⁶ M. MacGregor, "The genealogical histories of Gaelic Scotland" in A. Fox & D. Woolf (eds.), *The Spoken Word: oral culture in Britain 1500–1850* (Manchester, 2002), 196–239; D. Allan, "What's in a Name?: Pedigree and Propaganda in Seventeenth-Century Scotland", in E.J. Cowan & R.J. Finlay (eds.), *Scottish History: the Power of the Past* (Edinburgh, 2002), 147–67; W.D.H. Sellar, "Highland Family Origins—Pedigree Making and Pedigree Faking" in L. Maclean (ed.), *The Making of the Middle Ages in the Highlands*, 103–16; W.D.H. Sellar, "The Earliest Campbells—Norman, Briton or Gael", *Scottish Studies*, 17 (1973), 109–25.

de-stabilising for clans and at times various contenders asserted their claims for the position. This was the result of the existence of a mixture of succession practices within the region.

Prior to the gradual use of father-to-son succession by aristocratic families in Scotland that emerged during the thirteenth century, kings had been able to nominate their heir before death.³⁷ In most cases age and experience of a brother or uncle was preferable to the youth and relative inexperience of a son or nephew.³⁸ Known as tanistry, this method of succession could heighten instability by encouraging contenders who sought to ensure their succession through elimination of rivals. In contrast to tanistry, primogeniture offered a greater degree of stability as it diminished competition for the chiefship although this view ignores the destabilising force of minorities. The fact that clan histories show a continuation of rival claimants for the chiefship suggests that primogeniture was not strictly observed and other factors came into play regarding succession to the chiefship.³⁹ Membership of a particular kindred or descent group was important, but suitability was vital. Although it could be argued that primogeniture avoided the rivalry and conflict 'inherent' within other practices such as tanistry, methods of alternating succession or elective chiefship, all systems of regulating succession were designed to provide for the unity and maintenance of estates and jurisdiction in subsequent generations. Steve Boardman has argued that recent work on Irish and Welsh society suggests primogeniture and tanistry were

³⁷ G. Donaldson, *Scottish Kings* (London, 1974), 15–16 argues that the succession of David I in 1153 was evidence of primogeniture, but that the recognition of Margaret, Maid of Norway, as heir to the throne was acceptance of the system of primogeniture in Scotland. This is somewhat over-specific, a shift to primogeniture as the preferred means of succession throughout Scotland was a gradual process.

³⁸ D. Ó Corráin, "Irish regnal succession: A reappraisal", *Studia Hibernica*, xi (1971), 7–39; J. Cameron, *Celtic Law* (London, 1973), 110–11, 115.

³⁹ It became increasingly common in both Scotland and Ireland for the heir, or tanist, to be nominated before the death of the current chief in order limit rivalry upon his death. Despite this, in Ireland the kingship continued to be disputed and an individual with greater military prowess or political ability could usurp the position. K. Simms, *From Kings to Warlords*, 58–9, however, gives an alternative assessment of these internal kindred conflicts. Claims to be head of a kindred were often put forward by individuals who sought to regain ancestral lands. As descendants of a previous chief, their lands may have been granted by the new chief to his own kin members thus depriving older cadet branches of lands they perceived to be theirs. Thus, an attempt to regain land was couched in terms of rivalry for the position of chief. For further discussion of conflicting claims to property and possession, see chapter 4.

not 'opposed ideologies' and we should not approach an analysis of succession systems with such a mind-set.⁴⁰ What may at first glance appear to be a preference for one system may simply be the result of circumstance.

Throughout the period in question a superficial glance at the line of succession would emphasise the prevalence of father-to-son succession within clan society but this pattern may be the result of any combination of factors. The early death or absence of brothers or uncles of the current chief rather than any conscious policy could result in what appears to be strict father-to-son succession. If a chief's son was of a suitable age before his father died the wider clan may have approved his nomination or designation as tanist during his father's lifetime. There was not necessarily a divergence in these systems of succession, nor were they at odds with 'feudal' law which demanded a legitimate male heir.⁴¹ Although the influences of Lowland political society, including succession practices, filtered through to the Highlands in earlier centuries, primogeniture may not have been the dominant or preferred regulatory system in the sixteenth century.⁴² Some evidence does point to the principle of priority of birth but succession was manipulated to suit the needs of the lineage. As Boardman has shown for the Campbells in the fifteenth century a 'discretionary element' existed that allowed for elder brothers or half-brothers to be passed over, perhaps on account of some disability, while at other times charters were used to ensure the succession of a preferred heir who was not necessarily the eldest son.⁴³

This view is not supported by genealogical histories. A seventeenth-century manuscript history of the Grants suggests that primogeniture was the prevailing method of succession. It contains an account of the birth of twins to John Grant, son of Duncan Grant, first of

⁴⁰ S. Boardman, "The Campbells and charter lordship in medieval Argyll" in S. Boardman & A. Ross (eds.), *The Exercise of Power in Medieval Scotland, c. 1200–1500* (Dublin, 2003), 108–9, 108 n. 35; D. Ó Corráin, "Irish regnal succession", 7–39.

⁴¹ K. Nicholls, *Gaelic and Gaelicised Ireland in the middle ages* (Dublin, 1972), 27; S. Boardman, "The Campbells and charter lordship in medieval Argyll", 109, n. 37.

⁴² F.J. Byrne, *Irish Kings and High-Kings* (London, 1993), 35–7 argues that primogeniture became adopted in the Highlands following the arrival of Anglo-Norman lords into Scotland.

⁴³ S. Boardman, "The Campbells and charter lordship in medieval Argyll", 95–117, a view supported by M. MacGregor, "The genealogical histories of Gaelic Scotland", 196–239.

Freuchy.⁴⁴ A mid-wife was employed at the birth to tie a piece of string around the wrist of the hand that appeared first as “a mark of distinction”. This hand, however, disappeared and as the other twin was the first to be delivered he later became heir to his father on account of seniority of birth while the younger twin became head of the cadet branch of Ballindalloch. Clearly fabricated, it is an account that says more about seventeenth-century clan politics and the attempts of one branch of the family to legitimise its claims to superiority over another as for several generations the family of the Grants of Ballindalloch asserted their right to the chiefship of the clan.⁴⁵ In order to discredit such a claim this account was inserted into clan genealogy. Examination of succession within the chiefly line of the Mackintoshes suggests that strict father-to-son succession prevailed and failing a legitimate heir the position would pass to the nearest male relative. However, as source evidence is often minimal is it hard to support what manuscript and clan histories assert, as they are written from a certain perspective. Family historians try to portray the clan as pro-crown, selecting evidence that emphasises consistent loyalty to the monarchy despite the contradictions this produces.⁴⁶ Often there was a more immediate agenda, with histories written to discredit rival claims of cadet branches, manipulating and embellishing the genealogy as and when necessary.⁴⁷ Consequently, succession to the chiefship is often portrayed as following the principles of primogeniture, diminishing the claims of collateral or cadet branches through assertions of illegitimacy. In the late fifteenth and early sixteenth century this was the case for the Mackintosh chiefship.

In 1496 Duncan, eleventh chief of the Mackintoshes and Clan Chattan, died and was succeeded by his only son, Ferquhard. At

⁴⁴ This account is found in NLS MS 10970 which states the twins were born to Duncan Grant, first of Freuchy, and his wife Muriel, daughter of Malcolm, tenth chief of the Mackintoshes. According to Fraser, *Chiefs of Grant*, i, 70 it was Duncan's son, John, who predeceased him, that fathered twins. The name of his wife is not known.

⁴⁵ NLS MS 10970, fol. 19.

⁴⁶ A. MacCoinnich, “Clann Choinnich: the emergence of a kindred, c.1475–c.1514” in S. Boardman & A. Ross (eds.), *The Exercise of Power in Medieval Scotland*, 175–200.

⁴⁷ As in the case of the Grant manuscript history previously mentioned. For the Mackintoshes, clan histories dating from the seventeenth century are also highly problematic resulting from the Mackintosh-Macpherson dispute over the chiefship of the Clan Chattan. See Sir Aeneas Macpherson, *The Loyall Dissuasive and other papers concerning the affairs of Clan Chattan* (ed.) A.D. Murdoch (Edinburgh, 1902).

this time, however, Ferquhard was imprisoned in Edinburgh along with Kenneth Mackenzie, heir to the Clan Mackenzie.⁴⁸ Before imprisonment Ferquhard must have been regarded as heir and succeeded his father to the clan estates for in a charter dated at Dunbar, 7 December 1505, he made a heritable grant of the main clan lands and offices to his cousin William.⁴⁹ This was followed by a back-bond made by William in which he acknowledged the grant made to him and promised

that whenever the said Ferquhard shall have lawful heirs-male of his own body, and either he or they shall pay a certain sum of money to him or his heirs and assignees, he or they shall renounce the same again in their favour.⁵⁰

This exchange of bonds was designed to ensure peaceful succession and preservation of clan estate in the eventuality of Ferquhard's death without a legitimate male heir. Although William is not expressly mentioned as heir to Ferquhard, the grant of the core clan lands along with the bailiary of Lochaber was a clear message that William was regarded as next in line to the chiefship. William did have close kinship ties but his choice as guardian was not according to principles of primogeniture as he had an elder half-brother, Malcolm, son of his father's first marriage. In Mackintosh genealogies Malcolm has been dismissed as illegitimate although documentary evidence suggests this was not the case. Malcolm's legitimacy and the political reasons as to why he was passed over in the succession may be questioned but it was the importance of William's marital kinship with the Grants that elevated him to this prominence in Mackintosh affairs.⁵¹ Local politics secured his succession to the chiefship but it did not silence the rival claims of his half-brother based on hereditary right.

⁴⁸ W. Fraser, *The earls of Cromartie* (Edinburgh, 1867), ii, 483; *Accounts of the Lord High Treasurer of Scotland* (ed.) J. Balfour Paul (Edinburgh, 1877–1978), ii, 141–5. *ER*, xii, 35 give account of his expenses while at Edinburgh; xii, 335 give account of his expenses while at Stirling; and xii, 347, 439, 559 give account of his expenses while at Dunbar and show that while here he had servants at royal expense. See pp. 45–6 above.

⁴⁹ Paton, *Mackintosh Muniments*, no. 22.

⁵⁰ Paton, *Mackintosh Muniments*, no. 23.

⁵¹ The Grants were emerging as an important local family in the central Highlands connected to the earls of Huntly and close kin ties with them would be advantageous for the Mackintoshes. See pp. 104–5 below.

Following William's death without heirs in 1515,⁵² a gift was made in May 1516 of the ward and nonentry of crown lands "which pertained to the deceased Ferquhair M'Kintoische" to James Stewart, earl of Moray, along with the marriage of Lauchlan, "heir of the deceased Ferquhair".⁵³ A charter the following year in 1517 from John, Lord Gordon and Badenoch, made a grant of the lands of Dunachton to Lauchlan "as heir of his brother the deceased William Mackintosche" thereby acknowledging Lauchlan's succession to the chiefship while continuing to ignore the claims of Malcolm and his descendents, known as Malcolmson.⁵⁴ Crown charter designating tenurial rights of the clan estate to Lauchlan, fourteenth chief, did not ensure that Malcolm or his heirs would give up their claim to the chiefship. Malcolm's son, John Malcolmson, also referred to as illegitimate in clan genealogies, is said to have conspired with an accomplice and killed Lauchlan in 1524, while William, fifteenth chief of the clan, also had to contend with the grievances of this family. Although William sought to appease Lauchlan Malcolmson, grandson of Malcolm, Lauchlan is said to have entered into negotiations with George, fourth earl of Huntly, which eventually resulted in William's death in 1550.⁵⁵ Discontented claimants could be hugely problematic for contemporaries but clan genealogies written in later centuries simply discredited rival claims as illegitimate.

Succession, therefore, was manipulated to suit the needs or agenda of those who could control it. Overwhelming evidence supports the view that the chiefship was a hereditary office yet while it was retained within a particular family there was a degree of fluidity amongst family members. Any mythical or symbolic significance that was attached to the chiefship appears under closer scrutiny to have been imposed by subsequent generations and needs re-evaluation. Due to the prevalence of tanistry the principle of hereditary right may have influenced the office of the chief during the thirteenth and fourteenth

⁵² Ferquhair is said to have been released in 1513 only to die shortly afterwards whereupon William succeeded to the position he had held previously in all but name.

⁵³ Paton, *Mackintosh Muniments*, no. 24.

⁵⁴ Paton, *Mackintosh Muniments*, no. 25.

⁵⁵ NAS GD 176/57; GD 128/31/2/2; GD 128/31/2/3-4x; *RPCS*, i, 676-7; Paton, *Mackintosh Muniments*, nos. 56-61; *Records of Aboyne MCCXXX-MDCLXXXI* (ed.) C. Gordon (Aberdeen, 1894), 453; J. Wormald, *Lords and Men in Scotland: Bonds of Manrent, 1442-1603* (Edinburgh, 1985), 135; G. Bain, *The Lordship of Petty* (Nairn, 1915), 23-24. See also pp. 185-9 below.

centuries, but by the late fifteenth and certainly by the sixteenth century the chief appears to have been more accountable to his clan. The continuous need of land as an economic and political resource as well as the need for protection and justice meant that the duties of a chief became increasingly more complex while blood kinship became less dominant. Accountability, however, does not mean that the chiefship was 'elective' and the continuation of chiefly families emphasises that kinship continued to be of great importance although it did not compensate for lack of ability. The apparent strict father-to-son succession recounted in clan histories betrays the author's agenda while in reality, the adoption of primogeniture within Highland society would appear to have been gradual. The main shift in emphasis relating to chiefly succession practices appears to be from force to consent and accountability. By the sixteenth century the chief turned to his clan for advice, at times seeking evaluation and peer approval.

Clan formation: fine & satellite kindreds

In 1584 John Grant, fourth of Freuchy, wrote a letter to the main men of the Grant clan, otherwise known as the *fine*. He explained the circumstances of his "inabilitie and helth" but hoped "vith tym to conuales to bettar helth". In acknowledging that his "freindis and kynnismen" had been "mishandlit by our nybouris" he went on to say

... I thocht guid to send my sone and oo [grandson] to resone vith zou that ar my spetiall freindis, desyring to knaw gif ze find ony falt with ony of thai two, or vith me, quhaer ve do ony vrang tovaris our nybouris, and quhaer ve do, that ze vil lat ws haif zour opinioun for reforming of the sam; the quhilk salbe done be zour avyss. . . .

In asking the main men for the guidance and advice, the chief wanted to know what

I and myn man do for zow as occatioun servis. . . . Refaring the rest to zour awin voisdomis. . . .⁵⁶

Having gathered at the kirk of Cromdale where John Grant's son had given them a fuller explanation and account of the invasion of

⁵⁶ Fraser, *Chiefs of Grant*, iii, no. 149.

clan lands by their neighbours the principal men of the clan wrote a response in which they stated

effir considderatioun taen and avysment haid . . . va ansuer in ane voice, vith ane consent, that in respek of the invasionis bygane maid to our said cheif and his freindis be our nybouris vithowt ony iust deseruing, defending our heretaegis, rychtis and possessionis, [ve] promiseissis faythfullie . . . that we sall . . . assist, concwr, fortifie, manteyn and defend our saidis cheif and maister, his kyn, freindis and swirnaem, thair iust quarall and actiounis, other to persew and defend quhatsumeuir vil invad aganis our said cheif, his sone and oo . . . nocht onlie in bestowing of our gear but also with our bodies; and findis na falt with our said cheif, his sone nor oo, in ony proceeding past. . . .⁵⁷

This correspondence between the Grant chief and the principal men of his clan highlights the extent to which a chief would rely on his *fine* for advice and counsel. What the letters also make evident is the expectations on the chief to protect clan lands and possessions and take retribution for lost goods, while the clan members themselves were to assist their chief in all his just actions. In this specific case, John Grant felt he was failing in his duty as chief and sought confirmation from his clan whether they would still support him in that role and guidance as to how best to deal with the situation. Sending his son and grandson as messengers was unusual but in the light of the sensitivity of the subject matter Grant may not have trusted such a letter to any other individual.⁵⁸ Grant's actions also convey the extent of a chief's accountability to his clan, emphasising the shift away from the traditional position of the chief as dominant and towards a situation where he 'governed' with the consent of the clan. Aware he had not dealt with recent incursions to the satisfaction of the clan, Grant pre-empted any criticism by putting himself before the clan in this way and asking for approval.

The role of the *fine* in offering counsel to the chief is closely associated with the fulfilment of chiefly duties. Considering a chief's accountability to his clan, it was wise to consult with the *fine* on matters that affected the entire clan. Consequently the chief looked for advice on issues ranging from marriages of clan members to issues

⁵⁷ Fraser, *Chiefs of Grant*, iii, no. 149.

⁵⁸ By involving his son in the matter Grant was also securing clan approval for his succession which would occur the following year.

over landholding and involvement in localised feuds.⁵⁹ The *fine* of the Mackintosh clan consisted of the heads of cadet branches and satellite kindreds of the Clan Chattan who were well placed to offer guidance or caution when a chief's decisions were inappropriate. For large clans with numerous satellite kindreds like the Clan Chattan or numerous cadet branches like the Grants of Freuchy such consultation was crucial. Much has been written about the Council of the Isles which was held at Finlaggan on Islay.⁶⁰ The council which met to advise and discuss matters relating to the MacDonald Lordship of the Isles and consisted of principal men of the MacDonald clan as well as chiefs of other main clans within the lordship such as the Macleans and the MacQuarries.⁶¹ In a recent study of Archibald Campbell, fifth earl of Argyll, Jane Dawson pointed to the earl's reliance on main members of the clan for advice on matters such as marriage alliances.⁶² Given the position that heads of collateral and cadet branches had, both within the clan and in their own locality, it would appear obvious that a chief would seek counsel in wider clan affairs. This reliance on kin members or satellite kindreds for advice was not a phenomenon unique to the region. Although there is little direct evidence, charters can offer information on the men who were politically important for the head of major families across Scotland. Michael Brown's study of the Black Douglasses has shown that influential figures like Archibald 'the Tyneman', fourth earl of Douglas, consulted local men while as early as the mid-fourteenth century the Douglas earls were employing 'ecclesiastical advisers'.⁶³

⁵⁹ A.I. Macinnes, *Clanship, Commerce and the House of Stuart*, 2–8; *Acts of the Lords of the Isles*, xlv–lv; J. Munro, "The Lordship of the Isles" in L. Maclean (ed.), *The Making of the Highlands in the Middle Ages*, 23–37.

⁶⁰ J.W.M. Bannerman, "The Lordship of the Isles" in J. Brown (ed.), *Scottish Society in the Fifteenth Century* (London, 1977), 209–240; J. Munro, "The Lordship of the Isles", 23–37.

⁶¹ John Bannerman put forward a strictly hierarchical model as the basis of this council which consisted of sixteen individuals. Although loosely following these lines, the structure suggested by Bannerman is perhaps too formulaic as the council would undoubtedly have been a much more fluid entity, especially after the acquisition of Ross when the MacDonald chiefs sought to integrate this earldom fully into the lordship. Jean Munro, however, through use of charter evidence has shown that islesmen continued to be significant players and often attended their chief on visits to Ross, as evidenced by their witnessing of charters.

⁶² J.E.A. Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots: the Fifth Earl of Argyll and the Struggle for Britain and Ireland* (Cambridge, 2002), 64–8.

⁶³ M. Brown, *The Black Douglasses. War and Lordship in Late Medieval Scotland 1300–1455* (East Linton, 1998), 157–65.

More specifically the bond between Archibald, fourth earl, and Robert, earl of Fife, duke of Albany, in 1409 made specific mention of the settlement of dispute between the two men via arbitration, involving men and councils of both.⁶⁴ Although identifying an exact council proved problematic, Brown was able to name specific members of closely connected local families who “formed a group of household retainers giving the earl support as councillors, messengers and soldiers and reinforcing links with local families” and who played “a vital role in the management of Douglas lands and interests”.⁶⁵

A chief, however, did not look to his *fine* purely for advice in clan matters or for validation of his ability to govern effectively. In terms of internal clan politics chiefs came to rely on their *fine* to an ever increasing degree as a means of securing cohesion. The clan gentry were important as witnesses to official documents and tenurial charters and examination of the witness lists of charters contracted by the Mackintosh chief emphasise this. The witness lists of documents contracted with external superiors such as the Gordon earls of Huntly show a distinct absence of the clan members, instead consisting of influential local figures, often dependants or members of the Gordon family. However, for matters that pertained specifically to the clan itself within the locality, witness lists usually included several members of the *fine*. In a bond of friendship contracted by Hector Mackintosh, Sir John Campbell of Cawdor, Hector Munro of Foulis, Donald MacDonald of Sleat and Hucheson Rose of Kilravock in 1532, the witness list included John Williamson and Donald William Allanson, both important members of the *fine* and close kin relations of Hector.⁶⁶ The marriage contract between Lauchlan Mackintosh of Dunachton, sixteenth chief of the clan, and Agnes Mackenzie, daughter of Kenneth Mackenzie, tenth of Kintail, was signed and dated at Brayne, 11 May 1567.⁶⁷ The witness list included important local figures such as Walter Urquhard, sheriff of Cromarty along with members of satellite kindreds, Dougal Macpherson in Essie, John MacIan

⁶⁴ W. Fraser (ed.), *The Red Book of Menteith* (Edinburgh, 1880), ii, 277–80; W. Fraser (ed.), *The Douglas Books* (Edinburgh, 1885), iii, no. 300; M. Brown, *The Black Douglasses*, 110. I would like to thank to Michael Brown for pointing out this reference and discussing the matter with me.

⁶⁵ M. Brown, *The Black Douglasses*, 164.

⁶⁶ NAS GD 176/32. John and Donald were descendants of Allan, younger brother of Duncan, eleventh chief of the Mackintoshes.

⁶⁷ NAS GD 176/83.

Macpherson in Meikle Brun and William MacIan Dow Macqueen, parson of Assynt. For Mackintosh chiefs, involving the disparate members of the *fine* in the political life of the clan was vital.

In the later decades of the sixteenth century, a period for which there is enough surviving source material to examine witness lists in greater depth, the same figures appear regularly, emphasising the extent to which the Mackintosh chiefs relied on key figures within the clan. James Mackintosh of Gask and Angus Mackintosh of Termitt, heads of two of the main cadet branches of the Mackintosh clan feature again and again,⁶⁸ as do William MacQueen, subdean of Ross, his half-brother Lauchlan MacQueen, and from 1590 onwards William MacQueen of Corriebroche, then subdean of Ross.⁶⁹ There is an absence of Macphersons in witness lists during the years 1591 to 1593 but in general they were prominent during the latter sixteenth century.⁷⁰ The majority of Mackintosh charters were signed at Inverness but chiefs also travelled around the region signing and witnessing bonds. The peripatetic nature of Highland chiefship was essential for cohesion, but also mandatory within the context of both his chiefly duties and his judicial capacity. The Mackintosh chiefs' obligation to tour their estate and the extent to which they relied on the *fine* at these times is highlighted by the charter of 1481. In this instance Duncan Mackintosh, eleventh chief, signed a bond on behalf of himself and his son, Ferquhard, on one part and Hugh Rose of Kilravock on the other, using the seal of Alexander Shaw Mackintosh because Duncan did not have his present.⁷¹ The witnessing of bonds and charters by the *fine* ensured their continued participation in the political life of the clan and was a means by which the chief utilised the clan gentry to ensure clan solidarity.

⁶⁸ Paton, *Mackintosh Muniments*, nos. 139a, 142, 148, 152, 153, 163, 164, 165, 172, 176, 179, 182 [Angus Mackintosh of Termit, Lachlan Mackintosh, 'apparent of Termit' and Lachlan Mackintosh 'apparent of Gask'], 187, 192, 205 & 207 [Angus Mackintosh, son of Angus Mackintosh of Termit].

⁶⁹ Paton, *Mackintosh Muniments*, nos. 138, 139, 142, 143, 144, 152, 154, 156, 162, 163, 172, 200 [Donald MacQueen of Corriebroche]. Also during this period there is frequent appearance of a burgess from Inverness, although no tendency towards a particular individual. See nos. 119, 124, 131, 138, 139, 142, 143, 144, 162.

⁷⁰ Paton, *Mackintosh Muniments*, nos. 162, 165, 170, 175. The Macphersons were absent at this time because of their brief split from the Clan Chattan. See pp. 193–4 below.

⁷¹ *A genealogical deduction of the family of Rose of Kilravock, 1290–1847* (ed.) C. Innes (Edinburgh, 1848), 143–4.

Reinforcing the ties between chief and *fine* facilitated cohesion between the disparate entities of the Clan Chattan and bound them closer to the Mackintosh chief. Involving the *fine* in the political life of the clan, by giving advice and counsel to the chief and acting as witnesses, ensured continued association of their own kingroup with the Mackintosh clan.⁷² But political co-operation was not the only means of securing internal clan cohesion and Mackintosh chiefs also relied heavily on “pretense of bluid”.

Fosterage and socio-economic manrent

Throughout Highland society fosterage was relatively common, designed to create a relationship akin to that of blood and in many cases remained important throughout life.⁷³ As in the case of Lauchlan Mackintosh of Dunachton, fourteenth chief, a son of the chief or a son of the Mackintosh *fine* would be fostered with a family from a cadet branch or satellite kindred, binding it closely to the parent clan. Lauchlan was the nephew of Duncan Mackintosh, eleventh chief, and as a close member of the chiefly family he was fostered within the Clan Dai or Davidson, a satellite kindred that had joined the Clan Chattan in 1350.⁷⁴ Exactly what the fostering agreement consisted of is unclear as there are no extant contracts relating to the custom within the Mackintoshes and Clan Chattan. Nonetheless, the basic function of fosterage in Highland, and indeed Scottish, society was to create alliances between or within kindreds. These social bonds created by fosterage need to be distinguished from the legal and educational function of fosterage in Irish society during

⁷² A.I. Macinnes, *Clanship, Commerce and the House of Stuart*, 1–8; D. Mitchell, *A Popular History of the Highlands and Gaelic Scotland from the earliest times* (Paisley, 1900), 297–8.

⁷³ Other Highland customs such as gossipry were also common throughout Lowland communities. Gossipry, or godparenting, created ties of affinity which, according to Canon Law, created a spiritual relationship of greater significance than that of parent and child (cf. J.E.A. Dawson, “‘There is Nothing like a Good Gossip’: Baptism, Kinship and Alliance in Early Modern Scotland”, *Review of Scottish Culture*, 15 (2003), 88–95). Fosterage created ties, although not of a spiritual nature, that also could be stronger than those of blood. I would like to thank Jane Dawson for allowing me to see a copy of this paper prior to publication.

⁷⁴ HRA, Ballie of Dunain Papers, 3 unbound volumes of C. Fraser-Mackintosh, *Kith and Kin of Clan Chattan*, 123–5; NLS MS 9854, fol. 14.

the late medieval and early modern period.⁷⁵ By the fourteenth century fosterage in Ireland had become greatly politicised as it was a means of assimilation between Gaelic and Anglo-Irish lords. The English government came to detest a custom which allowed for integration of the Anglo-Irish with native society and regarded it as barbaric. Unfamiliar with the custom, the English feared it because they believed it destroyed the relationship between a child and his or her biological parents. As early as 1367 an attempt was made to forbid Englishmen to participate in the custom through the Statutes of Kilkenny but this had to be reinforced on a number of subsequent occasions, and it was not until the reign of Elizabeth I that concerted action was finally taken and the sons of all native lords were ordered to be educated in England.⁷⁶ Nonetheless, Kenneth Nicholls has argued that despite these educational, legal and political aspects, as its root fosterage in Ireland was similar to that in Scotland, although the custom died out in Ireland following the initiation of Elizabethan legislation.⁷⁷

Fosterage survived in the Highlands through to the seventeenth and eighteenth centuries while other aspects of Gaelic law were dying out due to the increased intervention of the Scottish government, indicating the benign view of central authority towards the custom. Indeed, from the outset the attitude of the Scottish government towards the practice was entirely different. For the kin groups and families involved fosterage was a useful way of maintaining good relations with political allies, neighbouring families, cadet branches of a particular lineage or, as for the Mackintoshes, with satellite kindreds geographically separate from the main clan. As with Lauchlan, fourteenth chief, it was common for a child of the chief or a member of the clan *fine* to be fostered with parents of a lower social standing who would

⁷⁵ S. ó Innse, "Fosterage in Early and Medieval Ireland", (National University of Ireland, University of the City of Dublin, unpublished Ph.D. thesis, 1943), 1, argues that according to Irish law, fosterage, in essence, was a legal system that providing for the upbringing and education of children.

⁷⁶ S. ó Innse, "Fosterage in Early and Medieval Ireland", 159–63, 177–82. Earlier attempts to remove all children to the Pale failed, possibly because the success of this venture depended on the age of the children when they were taken to England. This policy was a death blow to fosterage in Ireland.

⁷⁷ K. Nicholls, *Gaelic and Gaelicised Ireland*, 79; C. Innes, *Sketches of Early Scotch History and Social Progress* (Edinburgh, 1861), 368; J.C. Parsons & B. Wheeler (eds.), *Medieval Mothering* (New York, 1996), 206.

have regarded it as a great honour.⁷⁸ These social bonds and the creation of fictive kinship through fosterage were of heightened importance for a clan like the Mackintoshes and Clan Chattan as a means of maintaining greater clan solidarity. Indeed, fosterage was used for similar purposes within other clans as emphasised by the surviving contracts.

In 1584 a contract of fosterage was drawn up between Duncan Campbell of Duntrae and his wife, Agnas Nikolleane, and Duncan Campbell of Glenorchy regarding the fostering of Duncan's son and heir, Colin. The bond stated the future foster-parents, Agnas and Duncan were

of lyik mynd that luife and favour suld be and contenew betwex the housis of Glenurquhay and Duntrone. . . .⁷⁹

The close relationship between the two kindreds had been established previously when "the said Duncane Campbell of Glenurquhay of befor was fosterit" by Duncan Campbell of Duntrone and his late wife Agnas Niklauchlane. Campbell of Glenurquhay stated he had been

sufficietlie in all things be thame interteinit alsweill during the tyme of his remaineing within their awin hous as alsua thairefter at his remaineing at the scholeis be thair faithfull promes utherwayis of thair liberalitie and bairn's part of geir eftir thair deceissis to him in taikin of thair said fosterschip. . . .

This fosterage agreement between Duncan and his second wife, also called Agnas, reveals the significant role of the foster-mother. Women rarely featured in charters or written documents which were negotiated, drawn up, contracted and witnessed by men but a rather different situation is conveyed in this bond. Having expressed her desire that "luife and favour" would continue between the families, Agnas' role in the fostering of Colin is given explicit recognition when she promised

to be to him [Colin] ane favourabill and loving foster mother in the same maner and conditioun as the said Duncan Campbell of

⁷⁸ S. ó hInnse, "Fosterage in Early and Medieval Ireland", 184, argues this to be true of both Ireland and Scotland during the middle ages. See also E. Burt, *Letters from a Gentleman in the North of Scotland to his friend in London*, 2 vols (London, 1754), ii, 58–9.

⁷⁹ *The Black Book of Taymouth, with Papers from the Breadalbane Charter Room* (ed.) C. Innes (Edinburgh, 1855), no. 79.

Glenurquhay of beforit was fosterit in the hous of Duntrone. And . . . to do hir dewtie to him [Colin] in all thingis according to the custome and conditioun of ane favorabill fostermother. And for the mair sure declaratioun of the [said] Agnas gude will and mynd towardis the said Coleine hir fostersone and to mowe him to be the mair bent in doing his dewte to hir brether and freindis heirefter the said Agnas be thir presentis with aduyise and consent of hir said spous . . . dispones to the said Coleine hir fostersone an bairn's part of al gudeis and geir quhilk sall or may perteine to hir the tyme of hir deceis. . . .

Evidently the role of foster-mother was recognised as distinct from that of foster-father and she was able to grant to the foster-child lands that she held in her own right, although legally she would need her husband's permission before doing so.⁸⁰ The contract also gives some indication of the role of the foster-mother in maintaining political co-operation between the two Campbell branches through the upbringing of the future Glenorchy chief.

The emphasis here on the role of the mother is unusual but highlights the importance of her position within the family. Unfortunately there are few surviving contracts of fosterage because in Scotland it was more of a customary arrangement than a formal one. The position of the foster-mother in the eventuality of the death of the foster-father was similar to that of blood parents and therefore following the death of her husband, a wife was not regarded as the natural guardian of her children.⁸¹ A husband could nominate his wife in his will as guardian otherwise a tutor would be appointed, often the closest male relative. If a wife was appointed guardian or tutor of her children, she could only continue in this role 'sa lang as scho remanis wedow'.⁸² An agreement of 1612 contracted between Sir Roderick Macleod of Dunvegan and John, son of Kenneth Mackenzie, twelfth of Kintail, regarding the fostering of Norman Macleod highlights

⁸⁰ C. Innes, *Sketches of Early Scotch History*, 366 states fosterage was 'an approved way of transmitting property'. Indeed, written contracts highlight the financial obligation involved (cf. *Collectanea de Rebus Albanicis*, 12–21; W.F. Skene, *Celtic Scotland*, iii, 332; *Black Book of Taymouth*, no. 79). S. Johnston, *A Journey to the Western Islands of Scotland in 1773* (London, 1876), 135 gives a detailed account of the exchange of goods involved in fosterage, but added that it could become 'burdensome'.

⁸¹ The Reformed Church in Scotland, through the local kirk sessions, emphasised the integral role of the mother within the family as the basic unit of 'godly society'.

⁸² *The Pratricks of Sir James Balfour of Pittendreich* (ed.) P.G.B. McNeill (Edinburgh, 1962), i, 114–16.

this situation.⁸³ If John Mackenzie died before his wife, she was to be allowed to continue on her own as foster-mother of Norman, although John's brother, Angus, would be appointed as guardian of the foster-child. If, however, John's wife remarried at any time she would forfeit her right to continue fostering Norman who would then be placed fully in Angus' care.⁸⁴ The importance of fosterage in creating bonds of fictive kinship between two families is emphasised by the premature end of the arrangement if the foster-mother remarried. In doing so, she was establishing kin ties with another family which would alter the dimensions of the original contract and place the foster-child under the influence of another kin group.

In creating fictive kinship between two kin groups, at times separated by geographic settlement, fosterage was a useful tool for the Mackintosh chiefs to maintain cohesion. Fictive kinship, literally, was the "pretense of bluid" between individuals or clans and used in Highland society to reinforce or act as a substitute for blood kinship. The absence of surviving evidence for fosterage within the Mackintoshes and Clan Chattan means that it is difficult to speak with certainty of the extent to which the practice was utilised as a way of maintaining connections between the Mackintosh clan and the dispersed satellites of the Clan Chattan.⁸⁵ That there is so little

⁸³ W. Fraser, *The Earls of Cromartie, their Kindred Country and Correspondence*, 2 vols (Edinburgh, 1876), i, xxxv–xxxvi. For a fuller discussion of this contract of fosterage see P. Parkes, "Adoptive Kinship and Clientage in Northwest Europe", *Comparative Studies in Society and History*, 48, no. 2 (forthcoming, 2006). My thanks to Peter Parkes and Aonghas MacCoinnich for long and full discussions of this fosterage contract, following which I should mention reservations about this being a Mackenzie document. John may well have been a Campbell (cf. A. Morrison & Rev. D. Mackinnon, *The Macleods—The Genealogy of a Clan*, V parts (Edinburgh, 1968–76), ii, 25–30; iii, 256).

⁸⁴ C. Innes, *Sketches of Early Scotch History*, 368–72 contains letters regarding fosterage. The son of Archibald, Lord Lorne and earl of Argyll, later the first marquis of Argyll, and his wife Margaret Douglas, was placed with Sir Colin Campbell of Glenorchy for fostering. The correspondence begins in 1633 and shows the intimate relationship between the two parties. The role of foster-mother was highlighted as Glenorchy sent his wife, with a convoy, to accompany the child on his journey to his new home. He was to be educated in the languages of Irish and English and Margaret Douglas herself wrote to Glenorchy concerning her son's education. Also included is a detailed account of the boy's expenses during his time of fosterage (372–4, n. 1).

⁸⁵ The main Campbell clan used fosterage to maintain links with the numerous and sometimes geographically disparate branches yet some Campbell chiefs also fostered the sons of other local clan chiefs, creating ties of obligation between the two clans. The Campbells of Glenorchy used fosterage to create ties within the main Campbell branch and to stay within their sphere of influence, but also as a means

charter evidence, despite references to foster relations within genealogical material, suggests that for the Mackintoshes and Clan Chattan fosterage remained a customary agreement, a method of creating social bonds of fictive kinship.⁸⁶

The *fine* had an important social role in establishing and maintaining links of fictive kinship between the Mackintoshes and the numerous cadet branches and satellite kindreds of the Clan Chattan. These artificial links of kinship were not enough to ensure lasting cohesion but were an attempt to build upon and support the political integration of the heads of cadet branches and satellite kindreds within the *fine* and limit rivalry that may arise. This was not always successful as the case of Lauchlan Mackintosh of Dunachton, fourteenth chief, demonstrated. Combined with political integration and fictive kinship, socio-economic co-operation of all members of a clan allowed organisations like the Mackintoshes and Clan Chattan to overcome the complex obstacles it faced. Political allegiance and co-operation and the need and provision of protection and justice lay at the heart of the clan relationship established between chief and clan and reinforced or compensated for kinship that may or may not have existed. Alongside these reciprocal obligations lay a socio-economic relationship enshrined within clanship, but also one which had direct parallels across Scotland.

The fifteenth and sixteenth centuries saw the proliferation of bonds of manrent and maintenance. There have been only a few works which have explored bonding in any great depth, the most notable is Jenny Wormald's pivotal study of bonds of manrent in the late fifteenth and sixteenth centuries.⁸⁷ In most cases, however, bonds have

of keeping them distinct from the main parent clan. The importance of the economic transaction led to the transition of fosterage from a customary arrangement into a commercial one, thereby necessitating a written contract. It is because of this transition that we have available evidence concerning fosterage although for most clans it remained a customary agreement until much later. C. Innes, *Sketches of Early Scotch History*, 368; *Black Book of Taymouth*, no. 79; R.A. Dodgshon, *From Chiefs to Landlords*, 38 examined the rapid rise of the Glenorchy branch but does not explicitly state that fosterage was a technique used by them to consolidate their alliance network.

⁸⁶ Perhaps the murder of Lauchlan Mackintosh of Dunachton, fourteenth chief, by his own foster-brother, Milmor mac Dai, and John Malcolmson, a close kinsman of the chief, barred from the succession allegedly on account of illegitimacy (see pp. 72–5 above for further discussion of this) highlighted that blood or fictive kinship alone was no indication of loyalty.

⁸⁷ J. Wormald, *Lords and Men in Scotland*; K.M. Brown, *Bloodfeud in Scotland*,

been examined within a theoretical framework, mainly from a Lowland perspective and, as with Wormald, they have failed to examine socio-economic manrent as distinct from political manrent.⁸⁸ Bonds of manrent and maintenance, agreements between two individuals, a man and his superior, were an expression of personal lordship or clientage.⁸⁹ Jenny Wormald has argued that the increased use of these bonds in Scotland highlights the weakness of the tenurial or 'feudal' relationship in which promises of service and obedience accompanied grants of land. With the rise of feuing during the late fifteenth and sixteenth century, land was increasingly granted to those who could afford to pay, no longer determined by tradition or kinship ties. Despite tenurial superiority, service and obedience on behalf of the grantee was no longer a certainty so additional written contracts were used to reinforce personal lordship.⁹⁰ However, personal lordship was not dependant on a pre-existing tenurial relationship but was used on occasions to reinforce institutional lordship and the obligations of landholding.⁹¹ As Wormald has argued this period saw a noticeable transformation from "lords of land" into "lords of men". Indeed, since the thirteenth century lords no longer had territorial and administrative interests aligned as it became increasingly common to have dispersed holdings combined with judicial office over a wider geographic area. As a means of maintaining a disparate estate and necessary man-power landlords would seek to establish lordship over local families, regardless of tenurial superiority. Manrent, often translated as 'homage' and literally meaning "to be man of", had become accepted by the mid fifteenth century as a promise of service and obedience,

1573–1625: *Violence, Justice and Politics in Early Modern Society* (Edinburgh, 1986); J. Bartholomew, 'Bonds of Manrent', *Juridical Review*, 23 (1911–2), 42–64. For the Highland dimension see A.I. Macinnes, *Clanship, Commerce and the House of Stuart*; A.I. Macinnes, "Slaughter Under Trust. Clan Massacres and British State Formation" in P. Roberts & M. Levene (eds.), *The Massacre in History* (New York, 1999), 127–48.

⁸⁸ In a socio-economic context, manrent was a means of reinforcing the obligations involved in the clannish relationship between chief and clansmen, see pp. 87–90 below.

⁸⁹ J. Wormald, *Lords and Men in Scotland*, 1; *The Institutions of the Law of Scotland: deduced from its originals, and collated with the civil, canon and feudal laws, and with the customs of neighbouring nations by James, Viscount of Stair* (ed.) D.M. Walker (Edinburgh, 1981), 1.2.12; A.A.M. Duncan, *Scotland: the Making of the Kingdom* (Edinburgh, 1975), 4–8; A.I. Macinnes, *Clanship, Commerce and the House of Stuart*, 11.

⁹⁰ J. Wormald, *Lords and Men in Scotland*, 8–11, 22–3, 26; A.A.M. Duncan, *Scotland: the Making of the Kingdom*, 407–8.

⁹¹ S. Boardman, "The Campbells and charter lordship in medieval Argyll", 112–3. See *Miscellany of the Spalding Club*, ii, 264–5, 268–9.

quite distinct from tenurial obligations.⁹² Personal lordship established a relationship where a dependent promised loyalty and service in return for protection and justice, obligations that existed quite separate from territorial or institutional lordship. Consequently, the head of a clan would give manrent to the individual most able to offer protection and effective lordship in the region.⁹³

Increasingly throughout the sixteenth century similar bonds were used within Highland society to reaffirm the original obligations of clanship and the shift from customary oaths to formal documentation became common. They emerged out of 'oaths of service' such as those given by a satellite kindred to the Mackintosh chief when joining the Clan Chattan which acknowledged him as overall head of the clan while taking protection from him. Therefore, these oaths were a customary expression of the obligations within clanship and evolved during the fourteenth and fifteenth century until they came to be written down in the sixteenth century, thereby creating a formal contract expressed in similar terminology to the bonds of manrent and maintenance. The relationship established through manrent was reciprocal, an exchange of a promise of loyalty and service with an obligation to defend and protect, which emphasises how and why they were so readily adapted within Highland society as a means of reinforcing the clannish relationship. Political bonding was a means by which clan chiefs could align with a superior and this needs to be clearly distinguished from socio-economic manrent utilised by clan chiefs as a means of reaffirming the social and economic relationship between clan chief and heads of satellite and cadet kindreds.

All clan members gave tribute, or a payment known as calp, to their clan chief. In essence calp was a 'death-duty', said usually to have consisted of livestock, and was to secure the protection of the chief.⁹⁴ Thus, entering into a clan relationship involved not only reciprocal obligations of service and loyalty on the part of clan members but also economic co-operation. Payment of calp extracted by the

⁹² J. Wormald, *Lords and Men in Scotland*, 14–33.

⁹³ For fuller discussion of political manrent see pp. 119–25 below.

⁹⁴ For further information on calp see H. MacQueen, "The laws of Galloway: a preliminary survey" in R.D. Oram & G.P. Stell (eds.), *Galloway: land and lordship* (Edinburgh, 1991), 131–43; H. MacQueen, "The kin of Kennedy, "kenkynno" and the common law" in A. Grant & K.J. Stringer (eds.), *Medieval Scotland: crown, lordship and community* (Edinburgh, 1993), 274–96; A.I. Macinnes, *Clanship, Commerce, and the House of Stuart*, 12–14.

clan chief became his “best or most valuable possession”, also referred to as “the best aucht”.⁹⁵ Clan members who were tenants of another landlord were expected to pay calp to their clan chief and in such cases this was a fundamental economic transaction by which clan members conveyed their adherence to a particular chief and their membership of a clan. It bound members into an economic relationship with the rest of the clan, involving them in the communal provision of food resources of which they would also benefit. However, because calp was quite distinct from rental paid to the landlord, it was potentially burdensome for satellite kindreds and cadet branches. It was the economic burden that calp inflicted on individuals that prompted efforts on the part of central government during the late fifteenth and sixteenth centuries to eliminate the practice. Rental returns from the Highland region were usually incomplete and the customary payment of calp to the clan chief was regarded as one reason for this shortfall.⁹⁶ Government intervention, however, was ineffectual. Calp remained an integral part of the clan relationship and later in the sixteenth century was formalised in written contracts. In 1586 a number of the Stewart kindred sought the protection and justice of Duncan Campbell of Glenurchy and gave him a bond in which they promised

to be true men and servants to him and his against all persons . . . and to be ready to assist them in hosting and hunting when required, and to supply reasonable help, according to their power . . .

and to give . . .

a free gift of the best aucht at the time of their decease, which is called a Calp.⁹⁷

⁹⁵ H. MacQueen, “Survival and Success: the Kennedys of Dunure” in S. Boardman & A. Ross (eds.), *The Exercise of Power in Medieval Scotland*, 76; A.A.M. Duncan, “The laws of Malcolm MacKenneth” in A. Grant & K.J. Stringer (eds.), *Medieval Scotland*, 265, n1.

⁹⁶ *APS*, ii, 241, c 5; 222 c. 19–20; J. Goodare, *State and Society in Early Modern Scotland* (Oxford, 1999), 256.

⁹⁷ *Black Book of Taymouth*, no. 96. The Stewarts had killed John MacCalum Comrie who, along with his ancestors, had been ‘kynd mynd and servants’ to Duncan Campbell and, therefore, they sought his protection as immediate superior of Comrie. They also excepted their allegiance to the earls of Argyll. M. MacGregor, “Clans of the Highlands and Islands: 1” in M. Lynch (ed.), *The Oxford Companion to Scottish History*, 93–5 argues that in some cases, however, physical expansion of one kindred could result in the tenurial superior paying calp to a chief whose tenants paid rent to him.

These agreements were expressions of the clannish relationship between the heads of cadet branches, satellite kindreds and other individuals and the clan chief. In taking the protection of a more powerful chief lesser kindreds became involved in a larger political, social and economic community. While payment of calp to a chief may have proved burdensome, incorporation within a larger grouping ensured economic survival and afforded greater protection.

These bonds of manrent were more than an expression of personal lordship, they were a means of gaining access to a social group and, accompanied by an economic transaction, ensured protection of the clan chief. For the clan chief socio-economic manrent reinforced the reciprocal obligations inherent within the clan relationship and along with political co-operation and fictive kinship helped to secure internal clientage between the satellite kindreds and cadet branches of the Mackintoshes and Clan Chattan and the Mackintosh chiefs. Due to internal and external pressures, such as lack of geographic cohesion of clan estate, absence of blood kinship, issues of conflicting landlordism and intervention from central government, it was necessary to renew and reaffirm promises of loyalty and service, and protection. This was especially the case after periods of uncertainty for the clan. In 1543 following a long and troubled minority William Mackintosh of Dunachton, fifteenth chief, renewed manrent and maintenance with the entire Clan Chattan thereby reinforcing Mackintosh chiefship.⁹⁸ Similarly in the 1590s, following the Macphersons brief split from the Clan Chattan and Mackintosh chiefship, Lauchlan Mackintosh of Dunachton, sixteenth chief, contracted a number of bonds of manrent and maintenance with satellite kindreds and cadet branches such as the Macphersons, the Mackintoshes of Gask and the Farquharsons.⁹⁹

The exchange of bonds of socio-economic manrent and maintenance was not simply a way of reinforcing the clannish relationship in the absence of blood kinship, for the Grant chiefs of Freuchy also used socio-economic manrent to reaffirm obligations within the clan. On 1 August 1535 James Grant, third of Freuchy, gave John Grant

⁹⁸ NAS GD 176/39; *Miscellany of the Spalding Club*, iv, 209–10, 260. This bond only came about after the Clan Chattan threatened to break with their chief if he did not renew dependence on George Gordon, fourth earl of Huntly. See p. 181 below.

⁹⁹ Paton, *Mackintosh Muniments*, no. 168.

of Ballindalloch, head of the main cadet branch of the clan, a hereditary grant of the lands of Glencarnie and Ballindalloch. The charter stated that in return for a bond of maintenance John Grant gave a bond of manrent on behalf of himself

his airis, and als his assistaris and parte takaris . . . to the said James and his airis maile, as the laif of his kyn dois, for thaire lifymes, thaire allegiance to the Kingis Grace alanerlye exceptit.¹⁰⁰

Later in 1551 the chief of Grant consolidated this relationship by giving a bond of maintenance to his “cusing and kynnisman” John Grant of Ballindalloch “with his frindis, serwandis, alya, part-takkaris, assisterris, and thai that on hyme dependis” because the said John Grant had “becummyne man and serwand” to him, James Grant of Freuchy, as clan chief and consequently James promised to “defend the laif” of his “kynnismen, in ony just accione”.¹⁰¹ Usually such bonds were renewed on the accession of a new chief or head of a cadet branch, as was the case in Lowland society with hereditary lands or offices, but this was explicitly expressed in 1568 during an exchange of bonds of manrent and maintenance between Patrick Grant of Ballindalloch and John Grant, fourth of Freuchy. It was stated that in future the agreement would be “renewit at the desyir off the said Johne or his airis, the tyme off the entres of the airis of Balnadallach to the same”. The understanding of the obligations on the part of each man was obvious as the bond simply asserted it contained “all claussis necessar”.¹⁰² Although a powerful cadet branch, the Grants of Ballindalloch continued to hold their lands from the clan chief and remained closely connected to the parent clan. These bonds were used to reinforce the relationship between the chief and one of his main cadets regardless of the existence of close ties of blood kinship.

The use of political co-operation, fictive kinship and socio-economic manrent by chiefs of the Mackintoshes and Clan Chattan is understandable as they sought to compensate for the lack of blood kinship which acted as a unifying, cohesive force within clans. However, that the chiefs of Grant also exploited these means of reinforcing and renewing the obligations involved in clanship says something

¹⁰⁰ Fraser, *Chiefs of Grant*, iii, no. 85.

¹⁰¹ Fraser, *Chiefs of Grant*, iii, no. 104.

¹⁰² Fraser, *Chiefs of Grant*, iii, no. 131.

about the weakness of blood kinship in securing internal solidarity. Kinship terminology was prevalent in charters but closer examination highlights the degree of ambiguity with which it was used as well as the acknowledgement of its limits. Despite the efforts of successive Mackintosh chiefs to create fictive kinship between the Mackintosh chiefly family and the various satellite kindreds and cadet branches within the Clan Chattan, documents relating to the clan betray a distinct lack of the language of 'kyn'. Throughout the late fifteenth and early sixteenth centuries Mackintosh chiefs were continually referred to as 'captain of the Clan Chattan'.¹⁰³ During the guardianship of Hector in the 1530s there was a shift towards the Clan Chattan as 'kin' of the Mackintoshes.¹⁰⁴ This appears to be rather pragmatic on the part of Hector, desperately forging alliances with neighbouring kindreds in an attempt to deal with the intervention on the part of James Stewart, earl of Moray, who had taken into his care William Mackintosh of Dunachton, fifteenth chief, for his own protection during his minority. Hector may have adopted this use of kin terminology in an attempt to bind the Clan Chattan more closely to him. However, the commission of fire and sword of November 1528 distinguished between the Mackintosh chiefship and its satellite kindreds as Hector was not named in the commission issued against the Clan Chattan.¹⁰⁵

The Clan Chattan bond of 1543 conveys a distinct absence of the language of kinship, perhaps an indication of the somewhat tenuous position the clan was in at that time. However, in 1568 Lauchlan

¹⁰³ Paton, *Mackintosh Muniments*, nos. 7, 8, 9, 11, 13, 15, 28, 30, 31 although no. 9 shows that in a document dating from 1467 Duncan Mackintosh, eleventh chief, was referred to as 'chief and captain' of the Clan Chattan while there is a later reference to his 'men' of the clan. D.J. Macdonald, *The Clan Donald* (Loanhead, 1978) makes a distinction between chief and chieftain while D. Mitchell, *A Popular History of the Highlands and Gaelic Scotland from the earliest times till the close of the Forty-Five* (Paisley, 1900), 296–7 also makes a distinction between the titles of chief, captain, and chieftain which he claims was taken from the Act of 1587 (*APS*, iii, 461–6). While captain may have been used initially to refer to a chief who was head of numerous client clans, by the late fifteenth century this differentiation appears to have become redundant. Heavy emphasis is placed on the distinction between chief and captain in Sir Aeneas Macpherson, *The Loyall Dissuasive and other papers concerning the affairs of Clan Chattan* (ed.) A.D. Murdoch (Scottish History Society, 1902).

¹⁰⁴ NAS GD 176/31; GD 176/32.

¹⁰⁵ *Miscellany of the Spalding Club*, ii, 83, gives the date as 1553 but the preface to the volume acknowledges this is wrong and that the correct date is 1528. See also pp. 47 above and 167–8 below.

Mackintosh of Dunachton, sixteenth chief, gave a bond of manrent to George Gordon, fifth earl of Huntly, who promised to maintain Lauchlan as

chief and principal of Clanquhattane, and his heirs and successors, kin and friends of Clanquhattane, tenants, servants and adherents whatsoever assisting him in the Earl's service.¹⁰⁶

Although in this instance the Clan Chattan are referred to as the 'kin' of the Mackintosh chief, the bond itself suggests that the clan was not quite so united. A clause included in the agreement provided for the exchange of bonds of manrent and maintenance between the chief and the Clan Chattan, thereby reaffirming the very basis of the clan relationship. During the unrest that occurred in the north between 1590 and 1592 the need for effective lordship was evident and Mackintosh of Dunachton, sixteenth chief, gave a bond of manrent to Archibald Campbell, seventh earl of Argyll, on behalf of himself "his haill kin, freindis, tennentis, servandis and dependaris, sa mony followes and obeyes him".¹⁰⁷ Despite the reference to his 'kin', in this bond Mackintosh acknowledged that he was acting only on behalf of those of his clan who adhered to him, a reference to the fact that the Macpherson clan had recently split from the Clan Chattan in 1591. Although kin terminology is present, examination of the context within which it is used suggests a more fluid clan structure. Chiefs continually needed to work towards internal cohesion, the close relationship between a chief and his clansmen, and the security and preservation of the clannish relationship. The limits of kinship alone as a unifying force within clan society is highlighted by a charter dated 1587 in which John Grant, fifth of Freuchy, granted the lands of Culquhoich to John Grant, apparent of Carron. As well as the grant of land, there was an exchange of obligations between the two men. The chief of Grant asserted he would "fortifie, manten, and assist" John Grant on account of the "dewtie of ane honourabill cheiff and maister to . . . his kynnisman and seruand". In return John Grant, apparent of Carron, promised to "serue and honour the said Jhone Grant of Fruquhye and his foirsaidis as my cheiff and maister in all tyme cuming, as the rest off the gentilmen off his kin and suirname dois".¹⁰⁸ John Grant of Carron was acknowl-

¹⁰⁶ NAS GD, 176/89. See pp. 190–1 below.

¹⁰⁷ Paton, *Mackintosh Muniments*, no. 164.

¹⁰⁸ Fraser, *Chiefs of Grant*, iii, no. 152. See also nos. 85, 104, 131, 182–3.

edging that while kinship may not have been a strong, cohesive force, the bonds that ensured association with a chief or wider clan grouping were more successful at promoting unity of action and internal solidarity. Along with these bonds of socio-economic manrent, fictive kinship and political co-operation, chiefs also looked to military activity as a way of forging clan consciousness and cohesion.

Military cadres & caterans

Political co-operation, fictive kinship, payments of calp and participation in the economic life of the clan all carried overtones of military activity. Promises of loyalty made to a clan chief involved "hosting and hunting when required" and the obligation "to supply reasonable help, according to their power".¹⁰⁹ Such military co-operation was important as the ability of a clan chief to call on his men at short notice was crucial. The need for a ready supply of men who could be freed from their obligations of farming the land led some Highland chiefs to maintain a number of broken men or caterans on their estates for this purpose.¹¹⁰ Although caterans were also employed by Lowland lords whose estates bordered the central Highland region this was conveniently overlooked by central authority who regarded the use of caterans within Highland society as evidence of the region's lawlessness. Legislation was issued in the late fourteenth century against the use of caterans in the Highlands but this was ineffective. Caterans, bands of landless or 'broken' men, hired themselves out as fighting men to an employer, Highland or Lowland, as a means of making a living and were responsible for some of the petty cattle-raiding and thieving that occurred in the Highlands although government tended to become more concerned with this activity when the unrest spilled over into the Lowlands. Evidence of the lawlessness of Highland society can be found but it

¹⁰⁹ *Black Book of Taymouth*, no. 96. Bonds often explicitly stated such obligations. In 1514 James Grant, son and heir of the laird of Grant, promised on behalf of his 'hail kyn, freindis, seruandis' to 'ryd and gang' with Alexander Ogilvy 'in al his honest and rychtwis caussis' (cf. Fraser, *Chiefs of Grant*, iii, no. 66).

¹¹⁰ The term cateran derives from the Scots word 'ketharan' (cf. M. Robinson (ed.), *Concise Scots Dictionary* (Edinburgh, 1985). It relates to landless men employed by both Highland chiefs and Lowland lords as fighting retainers within the Highland region of Scotland. My thanks to Steve Boardman for discussing the origin and use of this term with me.

exists mainly in the records of central government and throughout the late fifteenth and sixteenth centuries the concern of the crown to deal with Highland society is evident. Over-emphasis on government perception of the situation produces a distorted picture of how central authority and the crown related to the Highlanders and a one-sided view of how Highland society actually operated.

Discussion of unrest within Scottish Gaeldom should not portray feuding as essentially a Highland experience. The Anglo-Scottish border region was perceived by central government to be disorderly and feuding regarded as a 'mischief' endemic of that area, while the prevalence of the bloodfeud within Lowland society has been highlighted.¹¹¹ Feuding, therefore, was very much a Scottish experience, occurring within both the Highlands and Lowlands and as there was little distinction between the two regions in terms of how "crime and justice" were perceived, interaction on this matter was remarkably straightforward.¹¹² This did not impact on the characterisation of the Highlands as lawless and throughout the fifteenth and sixteenth centuries the crown adopted various measures in an attempt to enforce law and order throughout the region. Indeed, the degree of short-term sporadic raiding within the Highlands only served to corroborate the crown's perception of the Highland region although, arguably, this was the result of economic not political factors.¹¹³ It was not purely economic factors that instigated upheaval in the Highlands as feuding between clans often resulted from political issues, especially disputes over conflicting claims of tenure and custom to land-holding.¹¹⁴ As land was an indication of influence and prestige both within a clan and the wider locality, these issues became increasingly divisive and bitter.

¹¹¹ M. Meikle, "Lairds and Gentlemen: a study of the landed families of the eastern Anglo-Scottish Borders, 1540–1603" (University of Edinburgh, unpublished Ph.D. thesis, 1989), 369; A.J. MacDonald, *Border Bloodshed: Scotland and England at war, 1369–1403* (East Linton, 2000); K.M. Brown, *Bloodfeud in Scotland*.

¹¹² K.M. Brown, *Bloodfeud in Scotland*, 7; J. Wormald, "Bloodfeud, Kindred and Government in Early Modern Scotland", *Past & Present*, 87 (1980), 54–97; J. Wormald, "The Bloodfeud in Early Modern Scotland", in J. Bossy (ed.), *Disputes and Settlements: law and human relations in the west* (Cambridge, 1983), 109–13. Throughout Scotland there was a common understanding of kin compensation and of how justice was dispensed. Indeed, the crown accepted the responsibilities of the kin group and of the principles of the feud itself.

¹¹³ R.A. Dodgshon, *From Chiefs to Landlords*, 84–92 and see pp. 140–2 below.

¹¹⁴ See pp. 145–9 below.

Small, localised disputes could easily escalate into widespread disorder because of the presence of caterans and broken men within clan society and due to the complex web of political and military alliances existing across Highland society that could pull peripheral kindreds into any unrest.¹¹⁵ As previous legislation aimed at limiting the use of caterans had failed, government attempts to deal with law and order saw increased reliance on clan chiefs during the sixteenth century making them responsible for clansmen, tenants and broken men inhabiting their lands.¹¹⁶ These efforts did not go unnoticed by the Mackintoshes and Clan Chattan who, rather than rely on hired caterans, maintained a military cadre consisting of their own clansmen. In 1496 William Mackintosh, guardian of the clan and later thirteenth chief, discussed with his cousin, Dougall Macgillicallum, the action to be taken in order to revenge a recent attack made on the clan by the Camerons. Macgillicallum

a man courageous and undaunted . . . promised to subdue all Lochaber and soon to break the spirit of the Camerons . . . asked only for thirty brave, swift, and strong youths, whom he himself should select from the Clanchattan tribe; with the possession of the lands of Borlum and Culbairds for the space of one year, for the sustenance of the young men; which, being granted, he had no doubt but that he should suppress those fugitives and vagabonds.¹¹⁷

Consequently the Camerons were attacked, their lands wasted and cattle slaughtered. Macgillicallum's remit was not simply to deal with the Camerons as in 1513 he was involved in the hership of Petty during which the Ogilivies were driven from the area.¹¹⁸ Macgillicallum's actions suggest he was responsible for the military cadre within the clan and, therefore, was heavily involved in meeting the military

¹¹⁵ For further discussion of these networks see chapters 3 & 4.

¹¹⁶ G.A. Hayes-McCoy, *Scots Mercenary Forces in Ireland 1565–1603* (Dublin, 1937), 1–14; A.I. Macinnes, *Clanship, Commerce and the House of Stuart*, 22–3, 30–5. As well as caterans in the central and eastern Highlands government sought to deal with the mercenary activity of the clansmen of the western Highlands and Isles who found seasonal employment in Ireland, hired by native Irish lords to deal with their petty wars, returning to Scotland at harvest time. The establishment of a branch of the Clan Donald in Antrim in the early fifteenth century ensured continuity of links between the west Highlands and Ireland that had been in existence for some time. This migration across the Irish Sea during the fifteenth and sixteenth centuries was primarily seasonal but by the late sixteenth century Scottish activity was causing problems for the Tudor administration.

¹¹⁷ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 206–7.

¹¹⁸ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 204.

needs of the clan. It is probable that Macgillicallum fulfilled this role during the time that Ferquhard Mackintosh, twelfth chief, was in captivity.¹¹⁹ Along with his men he lived rent free on clan lands in a similar fashion to caterans employed by other chiefs or Lowland lords. But Macgillicallum was a member of the Clan Chattan with kin connections to the chiefly family and the combination of kinship claims, military leadership and success led to his downfall. During the chiefship of Lauchlan Mackintosh of Dunachton, fourteenth chief, Macgillicallum tried to seize the chiefship by force and took forcible possession of Inverness Castle in 1521.¹²⁰ This provided the Mackintosh chief with the opportunity to deal with Macgillicallum who had been causing unrest in the locality. Complaints made by neighbouring families, including the Frasers of Lovat, made Mackintosh aware of the instability caused by Macgillicallum's actions. Mackintosh could not afford to alienate local kindreds who were potential political and military allies.¹²¹

Macgillicallum was killed during the attempts of the Mackintosh chief to re-possess Inverness castle and while this rid the clan of a recognised military leader, it did not result in a full-scale removal of fighting men from the clan. The ranks of caterans throughout the Highlands were filled by younger sons who, unlikely to inherit their father's land, had few other prospects, or by displaced clans that had lost their lands and resorted to banditry to survive.¹²² This prospect was faced by the Shaws of Rothiemurchus, a cadet branch of the Mackintoshes, whose lands were alienated in 1539 to the Gordons, thereby becoming landless men. But by the mid sixteenth

¹¹⁹ A. Cathcart, "Patterns of Kinship and Clanship: the Mackintoshes and Clan Chattan, 1291–1609" (unpublished Ph.D. thesis, University of Aberdeen, 2001), 52–65. W.D.H. Sellar, "Celtic Law and Scots Law: Survival and Integration" (O'Donnell Lecture, 1985), *Scottish Studies*, 29 (1989), 5 argues that in Irish society the over-king had a great deal of judicial authority which enabled him to appoint churchmen, royal officers and judicial officers, for examples: the viceroy (*airí*), the head of household (*toisech lochta tighe*), the commander of cavalry (*toisech marcshluaighe*), and the chief judge (*ollamh* or *ardollamh breitheamhnaís*). But the *toisech marcshluaighe* was quite separate from the inspiring and unifying role the chief was to fulfil in battle. On occasion there may have been a separation of the duties of the chiefship within Scottish clanship between chief and military leader.

¹²⁰ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 214–5. Macgillicallum captured Inverness Castle in or shortly before 1521.

¹²¹ *Acta Dominorum Concili* (ed.) G. Neilson & H. Paton (Edinburgh, 1918), ii, 95, records complaints made by Hugh Fraser of Lovat and Malcolm Duff.

¹²² R.A. Dodgshon, *From Chiefs to Landlords*, 88–90.

century Mackintosh chiefs had dismantled the military elite within the clan against a backdrop of increasing crown intervention. Opportunities for employment in a military capacity within the clan were limited, resulting in the migration of the Shaws to Atholl and Angus in search of lands.¹²³ At the end of the sixteenth century, in 1587 and 1594, the Shaws are mentioned as broken men by parliament, having no chief to answer for them.¹²⁴ The efforts of central government to bring stability to the Highlands by making clan chiefs and landlords more accountable for caterans and broken men in an effort to limit their use in the region were recognised by the Mackintoshes and Clan Chattan who rid the clan of its military retinue. Unfortunately, while this was aimed at portraying the clan as law-abiding, its participation in unrest within the region continued.

Throughout the early part of this period the Mackintoshes and Clan Chattan were involved in a number of skirmishes, whether localised unrest like the herschip of Petty, or one of a number of incidents in a more protracted feud such as that with the Clan Cameron.¹²⁵ By the mid to late sixteenth century, however, successive chiefs of the clan were attempting to diminish the extent of military activity by clan members. Increased accountability of clan chiefs to central government encouraged these efforts as the chiefs of Mackintosh realised from an early stage that co-operation with the crown was a profitable policy. Although involvement in military activity reinforced the bonds of political, social and economic participation within the clan and, therefore, reinforced clan solidarity, it could have a detrimental impact in a wider context. Stability in the locality was necessary and sustained unrest was not welcome. While caterans were employed for localised wasting of land and cattle-raiding, not uncommon in the Highlands, the over-emphasis of the central authorities on what was perceived to be widespread disorder and lawlessness obscures the perspective of the situation in the Highlands. Violence could result from economic and territorial issues but also political considerations resulting from the interaction between local and regional affairs, emphasised by the extent of unrest in the north during the period from 1590 to 1592.¹²⁶ Too much concentration

¹²³ A.I. Macines, "Social Mobility in Medieval and Early Modern Scottish Gaeldom: the Controvertible Evidence", 385.

¹²⁴ *APS*, ii, 461–7; iv, 97–8.

¹²⁵ See pp. 145–9 below.

¹²⁶ See pp. 172–7, 192–5 below.

on the level of feuding detracts from the efforts made within Highland society to prevent and resolve feuds and to restore stability. The pivotal role of arbitration, a means of dispute settlement based on kin-compensation, highlights the importance of kinship, blood, marital, or fictive, and clientage in maintaining internal clan cohesion, as well as forging external alliances in an attempt to resolve disputes. While the crown was fixated with lawlessness in the region, it ignored the impact of national and regional affairs on clan society and of the repercussions of the extensive powers of regional lords such as the Gordon earls of Huntly who were able to manipulate events to suit their own agenda. This intervention often intensified unrest rather than resolving it. In order to secure the position of a clan within a locality, politically, economically and militarily, alliances with neighbouring clans were fundamental and, although the result was an extensive and complex web of obligations, the benefits of such connections outweighed the disadvantages.

CHAPTER THREE

CLANSHIP: EXTERNAL CLIENTAGE

The previous chapter focused on political co-operation, fictive kinship, socio-economic manrent and military activity as means by which clans secured cohesion and unity of action. Incorporated together under the loose banner of internal clientage, these bonds, alliances and obligations reinforced the clan relationship that existed between a chief and his clan members. Due to the importance of familial descent in the succession of the chiefship, blood kinship lay at the heart of clan society but beyond this numerous methods were adopted by clan chiefs to secure internal consolidation. Having examined the internal structure of clanship and the ties that bound individuals to a chief and a clan, this chapter explores the extension of clientage into the surrounding locality. Strictly speaking, clientage was created between parties of unequal standing, for example a clan chief and a lesser kindred, but this chapter analyses both client relationships and those created between parties of equal standing. Marital kinship, clientage and political manrent will be studied in order to emphasise the various means by which clans secured political and military allies within the locality. As the Mackintoshes of Dunachton and the Grants of Freuchy inhabited lands in close proximity this chapter will focus on the alliances created and reinforced by both clans.

Marriage

Throughout Scotland, and indeed much of western Europe, during the early modern period, marriage was the creation of an alliance between two families, not simply two individuals.¹ Studies of marriage patterns within Highland society have highlighted how marriage was used to consolidate political, social or economic agendas.² A similar

¹ K.M. Brown, *Noble Society in Scotland: Wealth, Family and Culture from Reformation to Revolution* (Edinburgh, 2000), 113.

² A.G. Macpherson, "An Old Highland Genealogy and the Evolution of a Scottish

examination of the marriages of successive Mackintosh chiefs throughout the late fifteenth and sixteenth centuries highlights the extent to which they created marital kinship between the chiefly family and cadet branches and satellite kindreds.³ Nearly each chief throughout the period being studied married at least one child, legitimate or illegitimate, into a satellite kindred or cadet branch. There were only two instances where this did not happen, Ferquhard Mackintosh, twelfth chief, and William Mackintosh of Dunachton, fifteenth chief, as both chiefs had only two or three surviving children. In contrast, most chiefs, on average, had more than six children.⁴ The marriages of all members of the chiefly family were significant although throughout this period a clear pattern emerges. The Mackintoshes and Clan Chattan and the Grants, like most Highland clans, utilised marriage as a means of creating political alliances with other clans both within the locality and across the wider Highland region. Consequently, the marriages contracted by the heir to the chiefship were of greater political significance than those of his siblings. In most cases the heir to the chiefship married a daughter of another clan chief, thereby creating marital kinship with a potential ally. Regardless of the heightened significance of the marriage of the future chief, however, all members of the chiefly family were valuable commodities in the marriage market and used to further alliances with local families, west Highland and island clans and, throughout the later sixteenth century, with neighbouring Lowland families.

Clan", *Scottish Studies*, i (1966), 1–23. Some of the conclusions reached by Macpherson are contradictory and at times he does not fully support them with sufficient evidence, but the general thesis is interesting. He argues that male exogamous marriage was utilised to bring land and moveable property into the clan, while female endogamous marriage was practiced to limit alienation of this wealth. In the fifteenth century the Campbell chiefs exhibited a similar tendency to bring land into the clan though marriage to heiresses yet prevent its subsequent alienation by entailing it to male heirs only (cf. S. Boardman, "The Campbells and charter lordship in medieval Argyll" in S. Boardman & A. Ross (eds.), *The Exercise of Power in Late Medieval Scotland* (Dublin, 2003), 95–117). However, by the sixteenth century the priorities of the large and powerful Campbell clan had changed. Less concerned with the acquisition of land and consolidation of wealth, Campbell chiefs sought to use marriage and remarriage of widows to accommodate the extension of Campbell influence (cf. J. Dawson, "The ties that bind", unpublished paper presented at *The Scottish Medievalists and Early Renaissance*, Pitlochry, 1995). I would like to thank Jane Dawson for allowing me to see a copy of this paper.

³ Like the Mackintoshes, the Grants of Freuchy used marriage to consolidate ties with cadet branches.

⁴ See Mackintosh family tree, 231–2 below.

The growing prevalence of primogeniture within Highland society was influenced by the requirement under Scots Law that only a legitimate male heir could succeed to his father's position and estate.⁵ Although little distinction was made in Highland society between legitimate and illegitimate children due to practices such as concubinage, co-habitation 'with habit and repute' and irregular marriage, throughout the later middle ages there was a recognition on the part of Highland chiefs of the need to conform in order to secure maintenance of their estates. On 13 June 1337 John MacDonald of Islay, in an attempt to secure succession of his amalgamated territorial holdings is said to have obtained papal dispensation for his marriage to Amy Macruari. A dispensation was required for the marriage to be lawful and valid because John and Amy were cousins and, therefore, within the forbidden degrees of consanguinity.⁶ Adherence to the Catholic Church's laws regarding prohibition of marriage within four degrees of consanguinity and affinity would have proved increasingly difficult in the close-knit and sparsely populated Highland region so abuse of marriage law continued.⁷ Regulations were ignored often because they went against individual clan practices which emphasised endogamous marriage as a means of consolidating wealth and land but also because abuse of them could be advantageous.⁸ The

⁵ *The Practicks of Sir James Balfour of Pittendreich* (ed.) P.G.B. McNeill (Edinburgh, 1962), i, 239, C.VIII, "na bastard or person gottin or born outwith the band of marriage may be ane richteous air".

⁶ 'History of the MacDonalds' in J.R.N. Macphail (ed.), *Highland Papers* (Edinburgh, 1914), i, 73; W. Matheson, "Traditions of the Mackenzies", *TGSI*, xxxix–xl (1942–50), 200. There is no surviving documentary evidence of this dispensation. However, if it did exist it would question John's subsequent 'divorce' from Amy and remarriage to Margaret Steward. 'Fragment of a manuscript history of the MacDonalds' in *Collectanea de Rebus Albanicis* (eds.) D. Gregory & W.F. Skene (Edinburgh, 1847), 282–324 states John "co-habited for nine or ten years with a concubine, a gentlewoman of the Macdougalls of Lorn, Algive by name, daughter of Allan, son of Roderick Macdougall". But later he "abandoned Algive, by the consent of his council and familiar friends . . . who . . . advised him to take to wife the king's daughter".

⁷ A.D.M. Forte, "Some Aspects of the Law of Marriage in Scotland: 1500–1700" in E.M. Craik (ed.), *Marriage and Property* (Aberdeen, 1984), 104–18, especially 109; *Introduction to Scottish Legal History* (ed.) G.C.H. Paton (Edinburgh, 1958), 74; W.H.D. Sellar, "Marriage, Divorce and Concubinage in Gaelic Scotland", *TGSI*, li (1978–80), 464–93; 'History of the MacDonalds' in *Highland Papers*, i, 16, 64, gives examples of repudiation of wives in the fourteenth and fifteenth centuries. For a more detailed illustration of the forbidden degrees of consanguinity and affinity see *Liber Officialis Sancti Andree curie metropolitane Sancti Andree in Scotia sententiarum in causis consistorialibus que extant* (ed.) C. Innes (Edinburgh, 1845), introduction.

⁸ J. Dawson, "The Ties that Bind"; A.G. Macpherson, "An Old Highland Genealogy and the Evolution of a Scottish Clan", 1–23.

marital career of Alexander, first earl of Huntly, highlights the extent to which ambitious nobles would go to secure the marriage alliance most likely to secure personal advancement, using and abusing ties of consanguinity when it suited.⁹ Individual ambition, however, was closely connected to the need to produce a male heir who would secure survival of the dynasty and inherit land, office and title. Concern over succession was paramount amongst both the nobility and the monarchy as the failure of male heirs would have devastating repercussions for any family. One of the most extreme expressions of this need came in the 1560s following the repudiation of papal authority in Scotland and establishment of Protestantism. The Reformed Kirk tried to emphasise its differences from Catholicism but regulations regarding divorce remained largely similar. Divorce came to be permitted on grounds of adultery, but not in cases of abandonment although uncertainty remained regarding the question of remarriage of divorced persons in general.¹⁰ The kirk adopted the view that the guilty party in a divorce case was not permitted to remarry, especially if the divorce had been issued on grounds of adultery.¹¹ Archibald Campbell, fifth earl of Argyll, had no legitimate male heirs and, estranged from his wife, was aware of the need to secure the succession of his lineage. He was granted a divorce on grounds of separation in 1573, only after obtaining an Act of Parliament that also gave permission for him to remarry.¹² Unfortunately for the earl, this came too late and he died without a male heir. This decision was overturned in the early seventeenth century when stricter regulations were enforced

⁹ B. Seton, "The Distaff Side: a Study in Matrimonial Adventure in the Fifteenth and Sixteenth Centuries", *SHR*, 27 (1919–1920), 272–86 gives an account of the marital career of Alexander Gordon, first earl of Huntly.

¹⁰ *The Booke of the Universal Kirk of Scotland* (ed.) A. Peterkin (Edinburgh, 1839), 11, 25, 45; *Introduction to Scottish Legal History*, 90. Some kirk sessions had been granting divorce on the grounds of adultery as early as 1559 but in 1562 the General Assembly ordered that any person seeking a divorce had to submit the case to the kirk and the session for judgement with the decision of the General Assembly as final.

¹¹ *Introduction to Scottish Legal History*, chs. 7 & 8; W.D.H. Sellar, "Marriage, Divorce and the Forbidden Degrees: Canon Law and Scots Law" in W.M. Osborough (ed.), *Explorations in Law and History: Irish Legal History Society Discourses, 1988–1994* (Dublin, 1995), 59–82; J.E.A. Dawson, *Politics of Religion in the Age of Mary, Queen of Scots: the Fifth Earl of Argyll and the Struggle for Britain and Ireland* (Cambridge, 2002), 27–35.

¹² No doubt the earl's recent appointment as chancellor helped in gaining the Act of Parliament which asserted divorce "on the grounds of non-adherence" had been permitted in Scotland ever since the Reformation, an assertion that was not true.

preventing divorced persons guilty of adultery from remarrying on the grounds it was 'a great alurement' to seek divorce.¹³

Despite reformation of religion, divorce involved a lengthy, drawn-out process and was difficult to obtain especially as the Reformed Kirk put heavy emphasis on the family as the basis of a godly society.¹⁴ While Jenny Wormald emphasised that marriage was ephemeral in terms of the alliances it could create, in reality marriage usually lasted for life.¹⁵ Although there was exploitation of Canon Law and Scots Law in order to obtain dispensation or annulment, or of kirk session discipline in order to obtain divorce more recent research has shown that throughout the early modern period most noble marriages ended through death of a spouse.¹⁶ Considering the intricate and lengthy negotiations that took place before a marriage was contracted this is understandable. For the nobility, marriage was a means of securing political influence, economic gain, personal and familial advantage so a breakdown in marital relations could produce long-lasting and detrimental repercussions. While the example of Alexander, first earl of Huntly, highlights how political favour, wealth and status resulted in annulment that benefited the earl, such cases were the exception, not the norm. The ability to forge and maintain political alliances through marital kinship was important not just for the nobility but also for the elite of clan society, the chiefly family and the *fine* of a clan. Examination of the alliances contracted by the Mackintosh chiefly family emphasises the political importance of marital kinship.

Lauchlan 'Badenoch' was the second son of Malcolm Mackintosh, tenth chief of the Mackintoshes and Clan Chattan, and brother of Duncan Mackintosh, eleventh chief. According to one Mackintosh historian, Lauchlan had been a favourite of George Gordon, second earl of Huntly, and was the earl's baillie in his lordship of Badenoch.¹⁷ In 1481 the earl made a grant of the davoch of Galloway to Lauchlan

¹³ *The Booke of the Universal Kirk of Scotland*, 100, 160, 166, 466–467, 481–482.

¹⁴ M. Todd, *The Culture of Protestantism in Early Modern Scotland* (Yale, 2002), 265–314, highlights how the Reformed Kirk's emphasis on the godly family as the core of society ensured that kirk sessions sought to reconcile rather than separate. See also K.M. Brown, *Noble Society in Scotland*, 157–8.

¹⁵ J. Wormald, *Lords and Men in Scotland: bonds of manrent 1442–1603* (Edinburgh, 1985), 61. There is not any inherent contradiction in this statement. Marital kinship, like blood kinship, did not necessarily produce lasting alliances.

¹⁶ K.M. Brown, *Noble Society in Scotland*, 152–3.

¹⁷ C. Fraser-Mackintosh, *Dunachton: Past and Present* (Inverness, 1865), 3. Lauchlan's nickname 'Badenoch' is said to have been because he was popular amongst the people of that region.

for his grateful and faithful services, counsels and help rendered and to be rendered . . . to be held by the said Lauchlan and his heirs under-written, viz. Malcolm Makintousche, his son, born of Elizabeth Caldor, whom failing, the true and lawful heirs procreated or to be procreated of the body of Lachlan, whom failing, our heirs and successors whomsoever . . .¹⁸

The wording of the charter could suggest that Malcolm, Lauchlan's son to Elizabeth Cawdor, was illegitimate, a view perpetuated in Mackintosh genealogies.¹⁹ Other evidence, however, indicates Lauchlan and Elizabeth Cawdor had been married but that Elizabeth had died shortly after the birth of their son, Malcolm. In an indenture dated 23 September 1475 the earl of Huntly had granted to "Lauchlane M'Kintoche of Banaquhar" the marriage of the heiresses Isabella and Elizabeth Macniven, along with the lands of Dunachton their father had held. The terms of the indenture stated Lauchlan was to marry the heiresses to his own sons, preferably "his eldest sone, procurit betuix him and his spouss, umquhile Elissabeth of Caldor".²⁰ In return, Lauchlan was to give manrent to the earl on behalf of himself and his heirs who would possess the barony of Dunachton in the future. Despite the legitimacy of Malcolm, Lauchlan and Elizabeth's son, he was not married to either of the heiresses nor did he succeed to the chiefship which passed to the eldest son of Lauchlan's second marriage, William.

In 1497 William Mackintosh, then guardian of clan affairs, was married to Isabella Macniven, and given sasine of her inheritance by George, earl of Huntly, on 3 April of that year.²¹ A few years later in 1502 William received the whole barony of Dunachton, to be held by him and his heirs, from Alexander Gordon, third earl of Huntly, who had procured from Isabella's sister her part of the inheritance.²² From the grant of Dunachton to William it would appear the earl sanctioned William's elevation over that of his elder

¹⁸ Paton, *Mackintosh Muniments*, no. 12; Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 194 states Elizabeth was the daughter of Hugh Cawdor, parson of Kingussie.

¹⁹ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 194 which is somewhat ambiguous regarding the legitimacy of Malcolm, although much clearer on the illegitimacy of Malcolm's son, John. For further discussion of this see pp. 72–5 above.

²⁰ *Miscellany of the Spalding Club*, iv, 183–4.

²¹ Paton, *Mackintosh Muniments*, no. 18.

²² *Miscellany of the Spalding Club*, iv, 183, 189; Paton, *The Mackintosh Muniments*, nos. 18, 19, 20.

half-brother, Malcolm. The reason for this remains unclear but, arguably, was the result of Lauchlan's second marriage to Catherine Grant, daughter of Duncan Grant, first of Freuchy, a local family emerging in the central and eastern Highlands that, like the Mackintoshes, were tenants and dependants of the Gordon earls of Huntly. Despite earlier charters declaring Malcolm to be Lauchlan's heir, the importance of the Grant kindred, and the granting of land and marriage to William, conspired to ensure Malcolm and his heirs would not inherit from their father.²³ When the only son of Ferquhard, twelfth chief, predeceased his father while still in captivity, action was taken to secure the continuation of the clan. The prominence of William, both within the clan and in the locality led Ferquhard to designate him as successor to the chiefship.²⁴ Malcolm, Lauchlan's eldest son and his descendants continued to dispute this line of chiefly succession although later historians dismissed these claims by asserting Malcolm was illegitimate.²⁵

The relegation of the claims of the son of Elizabeth Cawdor produced few repercussions due perhaps to the eclipse of the Cawdor kindred by the Campbell clan. Following the death of John, Thane of Cawdor, in 1497 the estate passed to his two daughters Muriel and Janet. Although in Highland society a daughter was unable to succeed to the chiefship of a clan she could inherit land and moveable goods.²⁶ In such cases clans could alter the line of succession,

²³ It is unclear whether William's prominence had anything to do with the recent death of John, Thane of Cawdor, leaving only two daughters to succeed him.

²⁴ Paton, *Mackintosh Muniments*, nos. 22 & 23.

²⁵ See pp. 73–4 above.

²⁶ J.W.M. Bannerman, "Macduff of Fife" in A. Grant & K.J. Stringer (eds.), *Medieval Scotland. Crown, Lordship and Community: essays presented to G.W.S. Barrow* (Edinburgh, 1993), 20–38 cites the thirteenth-century example of Niall, earl of Carrick, who ensured his nephew Lachlann would receive the 'kenkynolle' while the title of earl and the land associated with it were inherited by his daughter, Marjorie, who then passed them to the Bruce family through marriage. See also H. MacQueen, "The Kin of Kennedy, 'Kenkynol' and the Common Law" in A. Grant & K.J. Stringer (eds.), *Medieval Scotland*, 274–296; H.L. MacQueen, "Survival and success: the Kennedys of Dunure" in S. Boardman & A. Ross (eds.), *The Exercise of Power in Medieval Scotland*, 67–94. J.E.A. Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots*, 159 asserts that the earl 'endorsed' the Gaelic view that a female could not hold the position of chief and thus dealt with the inheritance of Mary Macleod accordingly. This may be the remnant of earlier practice as T. Charles-Edwards, *Early Irish and Welsh Kinship* (Oxford, 1993), 89–111 argues in Gaelic practice royal position could not pass through the female line. Interestingly, Mackintosh history relates how the Mackintosh chiefs gained the chiefship of the Clan Chattan through the marriage of Angus, sixth chief of the Mackintoshes, to Eva, daughter of the chief of Clan Chattan. For more on this succession see pp. 145–6 below.

separating the landed estate from the chiefship which would pass to a collateral line. But the loss of landed estate through female marriage was always a threat and when females did succeed their fathers it could have devastating consequences as the example of Muriel, heiress of Cawdor, highlights. Archibald Campbell, second earl of Argyll, was given the wardship and marriage of both daughters following the death of their father.²⁷ Acquisition of the Cawdor estate through the marriage of the heiresses into his own family must have been an attractive possibility, one also pursued by the girls' uncle, Hugh Rose of Kilravock. To confuse matters both Argyll and Kilravock were appointed as joint guardians of the girls in January 1499.²⁸ Traditional accounts suggest that Argyll as justiciar was able to settle a dispute between Kilravock and the laird of Cromarty favourably for Kilravock in return for custody of Muriel.²⁹ Consequently she was taken to Argyll where, having been served heir to her father in 1502, she was married to John Campbell, third son of Argyll, in 1510. In 1512, following resignation of her lands the couple received a regrant of the Thanage of Cawdor ensuring the lands of Cawdor passed into Campbell possession and a new branch of the clan established in the north east.³⁰

For younger sons, inheritance of a landed estate through marriage to an heiress was greatly sought after but usually quite rare. Instead, it was common for the marriages of all members of the chiefly family, the future chief as well as his siblings, to be directed more towards the creation of political alliances as opposed to economic gain. Less powerful clans like the Mackintoshes and Clan Chattan and the

²⁷ *The Book of the Thanes of Cawdor. A series of papers selected from the charter room at Cawdor 1236–1742* (ed.) C. Innes (Edinburgh, 1859), 94–5.

²⁸ *Book of the Thanes of Cawdor*, 97–9.

²⁹ *Book of the Thanes of Cawdor*, 93–4, 103. Archibald, second earl of Argyll, was Master of the Household and had a commission of lieutenantcy in Argyll and the Isles but no record suggests he was justiciar at this time. In 1499 the earl sent a party of men to Cawdor to bring Muriel back with them and, although her departure was opposed by some of the Cawdor men, Muriel eventually arrived in Argyll. It is unclear what happened to Muriel's sister, Janet. The last mention of her in written record is in January 1499 and it is presumed that she died, an event that no doubt precipitated Argyll's action.

³⁰ *Book of the Thanes of Cawdor*, 115–7, 125. For the settlement of the MacLeod inheritance see *The Book of Dunvegan: being documents from the muniment room of the MacLeods of MacLeod at Dunvegan Castle, Isle of Skye* (ed.) R.C. MacLeod of MacLeod (Aberdeen, 1938), i, 90–95, 212–213; J.E.A. Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots*, 159–160.

Grants used marriage to forge useful alliances in the locality and further afield. Lasting connections could be forged through marital kinship and it is testament to the strength of marriage that, on occasions, it was used to cement peace after a feud. In the Highlands the preferred system of dispute settlement was a process of kin-based arbitration based on reparation, not retribution.³¹ It was this objective of local, private justice that explains why marriage was included as part of the settlement between two feuding parties. Theoretically, if a man murdered another man, as part of the compensation the murderer would marry his son to the daughter of the murdered man. In doing so, he was giving back the very thing he had taken away, namely her protector and provider without benefiting directly from the arrangement in any way. Within this context, the marriages of members of the chiefly family could be of great advantage, creating marital kinship as a means of resolving a feud and contributing to stability within their locality. For example, on a number of occasions Mackintosh chiefs contracted marriages with the Clan Cameron in an attempt to bring the long-running feud that existed between them to an end. Although in the long-term these ties of marital kinship did not achieve lasting peace, each individual alliance brought with it a period of short-term stability.³²

Similarly, attempts were made through marriage to resolve a dispute between the Mackintosh chiefs and Grants of Freuchy regarding the lands of Rothiemurchus. There had been a number of marriage connections between the two clans during the late fifteenth and early sixteenth centuries, but this had not prevented the deepening rift over competing claims to land. Lauchlan Mackintosh of Dunachton, sixteenth chief, sought to resolve this dispute and presented a proposal in 1568 that would allow for the “perpetuitie of frendship, allia, and bluid”.³³ Mackintosh suggested both his second son, William, and his grandson, Lauchlan, later seventeenth chief, marry daughters of Grant. At the same time, Mackintosh promised to look more favourably upon the existing marriage between his sister, Margaret, and Grant’s son and heir, Duncan, an alliance he had not approved

³¹ See pp. 126–8 below.

³² These marriages usually were not contracted with immediate members of the Mackintosh family suggesting that the contraction of marital kinship with the Camerons was a tentative move. See pp. 145–9 below.

³³ Fraser, *Chiefs of Grant*, iii, nos. 247. See pp. 152–3 below.

of initially. In putting forward these suggestions Lauchlan asserted he wanted “erneastle to retene the auld and renew the new”.³⁴ Indeed, the purpose of marriage contracted in the wake of a dispute was emphasised, designed to provide for the “proximite and tenderness of bluid” and the “mair incesyng of kyndnes, and renewyng off thair blud to be amangist thaim in tyme to cum”.³⁵ Following a dispute over the lands of Durris between Ferquhard, son and heir of Duncan Mackintosh, eleventh chief, and Sir Alexander Dunbar of Westfield and his son, Sir James Dunbar of Cumnock, along with a bond of friendship contracted between the parties, a marriage was arranged as part of the reconciliation in order “to take away any controversy that may happen between them their kin, or friends”.³⁶

The creation of marital kinship, therefore, could be used to secure peace after a feud. However, bitter and, at times, violent consequences could result from an unhappy marriage, a repudiation or the premature death of a spouse if both kingroups disputed the inheritance.³⁷ During the latter decades of the sixteenth century the Mackintosh chiefs had been forging closer political alliances with the Campbells of Argyll, initiated through earlier alliances with the Campbells of Cawdor. Angus, eldest son of Lauchlan Mackintosh of Dunachton, sixteenth chief, married Jean, an illegitimate daughter of Archibald,

³⁴ William did not marry into the Grant family although Lauchlan, later seventeenth chief, did marry Anne, daughter of the laird of Grant. For the marriage of Margaret and Duncan see n. 48 below.

³⁵ Fraser, *Chiefs of Grant*, iii, no. 171; *A Genealogical deduction of the family of Rose of Kilravock, 1290–1847* (ed.) C. Innes (Edinburgh, 1898), 152–3.

³⁶ *Collectanea de Rebus Albanicis*, 83–6; NLS MS 10970, fol. 20. In this instance the marriage did not take place and the feud continued, escalating into the her-ship of Petty in 1502 (cf. S.I. Boardman, “Politics and the Feud in late Medieval Scotland”, (University of St Andrews, unpublished Ph.D. thesis, 1989), 67–72; *RSS*, i, no. 542; *ER*, ix, 297; xii, 127).

³⁷ A dispensation dated 1465 was issued for the marriage of Kenneth Mackenzie of Kintail, son of the then Mackenzie chief, and Finvola, daughter of Gilleasbaig of Lochalsh and niece of John, Earl of Ross and fourth Lord of the Isles. Later disputes between the MacDonalds and the Mackenzies may well have been the result of a feud following Kenneth’s repudiation of Finvola, his subsequent marriage to the daughter of Fraser of Lovat, and the disinheritance of his son by his first marriage, in favour of his son by his second marriage. Likewise, the Campbell-Maclean feud of the sixteenth century may well have originated in the marital problems of Lauchlan Maclean of Duart and his wife, Catherine, daughter of Archibald, second earl of Argyll. According to tradition, Maclean abandoned his wife on a rock, just off the end of the Island of Lismore, at low tide presumably to meet her fate as the tide turned. (cf. A. Campbell of Airds, *A History of Clan Campbell volume I. From Origins to Flodden* (Edinburgh, 2000), 156–7.)

sixth earl of Argyll. A contract of marriage was signed at Inverness, February 1585 at which time Lauchlan granted to Jean “in her pure virginity in liferent, and the heirs of the said marriage in fee” the lands of Dunachton in Badenoch with fishing rights and pertinents along with the castle lands of Inverness.³⁸ In April the following year, Angus granted to Jean the liferent of his lands of Glenroy and in May 1587 Lauchlan received 500 merks as part of her tocher.³⁹ Unfortunately, Angus died prematurely in 1601 leaving his widow, Jean Campbell, infest in the liferent of Dunachton and Glenroy.⁴⁰ Following her remarriage to Donald Campbell of Barbreck, the Mackintosh chief attempted to reclaim these lands and embarked on rather forceful action, ejecting Donald and Jean from lands in the lordship of Petty and others which Jean had been granted in liferent at the time of her marriage to Angus.⁴¹ The resulting feud was submitted to arbitration on 19 December 1601 although both parties continued to pursue their case through the law courts as well.⁴² The decree-arbitral, the final decision reached by the panel of arbiters which sought the best possible outcome for both parties, ordered Mackintosh and Jean Campbell to bring an end to all formal legal action they were pursuing. Jean was also ordered to renounce her claims to the lands of Kinrara, the baronies of Dunachton, Glenlui and Locharkaig and, by way of compensation would receive a payment of 10,000 merks from the Mackintosh chief. While this placed some financial strain on the Mackintosh chief the arbitration process had returned the clan lands to him and he fulfilled his obligation to make compensation.⁴³

³⁸ NAS GD 176/176. The barony of Dunachton had been part of the Mackintosh estate since 1502 and chiefs of Mackintosh had been designated ‘of Dunachton’ since then.

³⁹ NAS GD 176/140. The extent of the clan lands that Angus held at this time clearly indicates he was regarded as the future clan chief. See p. 199 below.

⁴⁰ NAS GD 176/194. The ward and relief of all the lands Angus had held during his life, including Glenlui, Locharkaig, Glenroy, Glenspean, the bailliary of Lochaber, the lands and barony of Beuford and Drumchardny, the lands and barony of Dunachton, were granted to Huchon Rose, heir of Kilravock. Kilravock also received the marriage of Angus’ eldest son, Lauchlan, or if he died unmarried, the marriage of Angus’ daughter, Isabel.

⁴¹ J. Dawson, “The Ties that Bind” has highlighted the close control that the Campbell earls maintained over the marriages of widows.

⁴² NAS GD 176/195.

⁴³ NAS GD 176/195. Paton, *Mackintosh Muniments*, nos. 199, 201, 207, 215. It would appear that Lauchlan had to borrow money for in 1607 payments were made to Mackenzie of Kintail for the sum of £1000 borrowed from him by Mackintosh who was then deceased.

Although marriages of future chiefs were meticulously planned with careful attention paid to economic and political consequences not all eventualities could be predicted. The case of Angus and Jean ended in legal action and arbitration, but a different perspective of the premature death of a spouse offered new possibilities.

In the majority of cases of noble marriage in the sixteenth and seventeenth centuries, marriage came to an end through death of a spouse, a situation which gave women legal status in her own right.⁴⁴ A woman could be appointed tutor to her children, bringing them up within her late husband's kingroup, but she only retained this position by remaining unmarried.⁴⁵ It was difficult not to succumb to the numerous pressures advocating remarriage whether they came from wider society or her own family.⁴⁶ Some clans, like the Campbells, strictly controlled the re-marriage of widows, using them as part of a wider marriage strategy to create additional political alliances.⁴⁷ The Mackintosh chiefs appear to have had some influence over remarriage of widows as the example of Margaret, sister of Lauchlan Mackintosh of Dunachton, sixteenth chief, suggests. Margaret was a rather exceptional case, making four significant marriage alliances during her lifetime. Her first marriage was to Duncan Grant, eldest son of John Grant, fourth of Freuchy, sometime prior to 1568.⁴⁸ Although Duncan had been intended to succeed to the chiefship, his premature death in 1581 meant that Duncan and Margaret's son

⁴⁴ K.M. Brown, *Noble Society in Scotland*, 117–21.

⁴⁵ See pp. 83–4 above.

⁴⁶ K.M. Brown, *Noble Society in Scotland*, 118 notes that widowhood “was less common in northern European countries like Scotland where spouses were closer in age, and . . . there was less social pressure not to dishonour a dead husband by remarrying”. But there was a social stigma attached to widowhood, as females who were not under the authority of a male figure were regarded with suspicion. While widows had a legal persona in their own right, marriage brought with it a degree of social, legal and economic security. For some comparative studies of widowhood in European society see C. Klapisch-Zuber, *Women, Family, and Ritual in Renaissance Italy* (Chicago, 1985); D. Herlihy, *Medieval Households* (Cambridge, 1985); G. Calvi, “Reconstructing the family: widowhood and marriage in Tuscany in the early modern period” in T. Dean & K. Lowe (eds.), *Marriage in Italy, 1300–1650* (London, 1998), 275–296; G. Calvi, “Widows, the state and the guardianship of children in early modern Tuscany” in S. Cavallo & L. Warner (eds.), *Widowhood in Medieval and Early Modern Europe* (Longman, 1999), 209–19.

⁴⁷ J. Dawson, “The Ties that Bind”; J.E.A. Dawson, *Politics of Religion in the Age of Mary Queen of Scots*, 155–65.

⁴⁸ Fraser, *Chiefs of Grant*, iii, nos. 306–7. This was a marriage that Lauchlan admitted he had not approved of initially.

because the next chief, John, fifth of Freuchy.⁴⁹ After Duncan's death, Margaret married John Forbes of Pitsligo but was widowed again before 1586 for in that year she married Alexander Gordon, fifth laird of Abergeldie. Gordon died in 1601 and in 1604 she remarried for the fourth, and last, time to William Sutherland of Duffus.⁵⁰ There is no doubt Margaret herself benefited from these successive marriages and was woman of some means in her own right before she died. After she married for a second time John Forbes received sasine of the lands she held, although she retained liferent of these. Before her marriage to Sutherland of Duffus she received sasine of the lands and barony of Abergeldie which had been granted to her and Alexander in conjunct-fee.⁵¹ Nonetheless, regardless of her own gains, the Mackintosh chief would have welcomed the alliances she forged with local families.

Both the Grants and the Forbes were neighbouring clans in the immediate vicinity of Mackintosh lands. The Grants especially were important for the Mackintoshes and this marriage contributed to Mackintosh efforts to end the dispute over Rothiemurchus.⁵² The Gordons of Aberfeldie were a cadet branch of the earls of Huntly, well established in the region, and this marriage conveys something of the importance of the ties between the Mackintoshes and the wider Gordon family.⁵³ Mackintosh-Gordon relations were volatile during the latter decades of the sixteenth century and this may have been an attempt on the part of Huntly to draw the clan closer into the orbit of Gordon influence by forging ties of marital kinship between the Mackintosh chiefly family and Gordon cadet branches.⁵⁴

⁴⁹ There is no evidence to determine whether Margaret was appointed tutor to her son John. If she had been, this would have been forfeited following her remarriage to John Forbes.

⁵⁰ *The House of Gordon* (ed.) J.M. Bulloch, (Aberdeen, 1903–07), i, 16; NLS MS 10970, fols 22–3; RMS, vi, no. 2174; Fraser, *Chiefs of Grant*, iii, no. 331.

⁵¹ *Illustrations of the Topography and Antiquities of the Shires of Aberdeen and Banff* (eds.) J. Robertson & G. Grut, (Aberdeen, 1847–69), iv, 665; *The House of Gordon*, i, 9–10, 16; RMS, vi, no. 2174; Fraser, *Chiefs of Grant*, iii, no. 331; *Registers and Records of Scotland. Index to particular Register of Sasines for Sheriffdom of Aberdeen* (Edinburgh), 19 April 1604.

⁵² See pp. 152–7 below.

⁵³ The family was descended from Alexander Gordon, second son of Alexander, first earl of Huntly, and Elizabeth, daughter of Sir William Crichton, then chancellor of Scotland.

⁵⁴ See pp. 171–2, 191–2 below.

The families of Forbes and Sutherland of Duffus featured less prominently in Mackintosh affairs. There had been some political action between the Mackintoshes and Forbes earlier in the mid fifteenth century while the Forbes joined with Mackintosh and others in signing a bond in defence of the 'true religion' in 1589.⁵⁵ The Sutherlands of Duffus appeared occasionally in the witnessing of bonds and prior to this marriage William Sutherland of Duffus had joined with the Mackintoshes and Grants in support of James Stewart, earl of Moray, in unrest in the north between 1590 and 1592.⁵⁶ Marriage could be utilised to acquire and consolidate land and property but, more importantly, through marital kinship political and military co-operation could be furthered with other clans in the locality.

Clientage

Successive chiefs of Mackintosh and Grant forged stronger connections with cadet branches and satellite kindreds through marriage alliances. Within the Clan Chattan grouping, while each satellite retained its own identity and its own chief, the creation of marital kinship between parent clan and satellite kindred maintained the clannish connection which acknowledged the Mackintosh chiefs as head of the wider clan grouping. Ties of blood kinship had been important in clan organisation but they did not necessarily lead to the coherent integration of smaller kindreds within a larger clan. Indeed, by the late fifteenth and early sixteenth centuries blood kinship was no longer the principal organising feature of clan society but rather one of a number of factors which contributed to the formation of clannish relationships. As a cohesive force within clan society, blood kinship had weakened considerably over the previous centuries. As population grew and placed greater demands on land and as large, expansionist clans emerged Highland society became increasingly more mobile. The thirteenth century witnessed the rise of the descendants of Somerled which continued into the fourteenth century with the consolidation of the power of the MacDonalds at

⁵⁵ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 198–200; *RPCS*, iii, 375–7.

⁵⁶ Fraser, *Chiefs of Grant*, iii, nos. 156, 158; *Miscellany of the Spalding Club*, ii, 93–4. See p. 173 below.

the expense of their collateral branches the MacDougalls and MacRuairies. MacDonald aggrandisement in the west had a knock-on effect for smaller kindreds who faced displacement.

The settlement in the central and eastern Highlands by many lesser kindreds such as the Macleans of Dochgarroch and the Macgillivrays that became part of the Clan Chattan was a product of this aggressive proliferation of west coast clans. Rather than become landless, peasant labourers smaller kindreds vulnerable to take-over sought to re-establish settlement in a new locality resulting in eastward migration. This process involved forging alliances amongst neighbouring clans and kindreds as well as gaining the protection of a superior in order to secure stability within a new political landscape. Through external clientage, therefore, smaller kindreds could settle in a new locality avoiding displacement and poverty by establishing new relationships not necessarily based on kinship. The Mackintosh and Clan Chattan grouping was grounded on ties of internal clientage as discussed in the previous chapter. External clientage, however, allowed satellite kindreds and cadet branches to establish themselves in a new locality, securing the protection and provision of a superior through political manrent and, thereby, establishing relationships not based on the previous existence of kinship ties. Thus, the territorial and numerical expansion of larger clans and the increased mobility of Highland society led to a weakening of blood kinship as the basis of clan structure and a shift towards clientage.

Clan expansion, therefore, facilitated the creation of a different kind of relationship within Highland society. As chiefs amalgamated a landed estate that was geographically disparate the need for political alliances beyond the immediate locality was pressing. However, as Martin MacGregor has argued this did not mean that smaller kindreds were automatically subsumed within a larger clan, but rather that client relationships were established.⁵⁷ A relationship of clientage between clans initially had little to do with real or fictive kinship, instead they were the result of political, military and economic necessities and the need for effective lordship. Smaller kindreds became a client of another clan by giving allegiance to, and taking protection

⁵⁷ M. MacGregor in M. Lynch (ed.), *The Oxford Companion to Scottish History* (Oxford, 2001), 94.

from, its chief yet retaining some degree of autonomy within the locality along with their chief, name and lands. The MacMartins of Letterfinlay, for example, retained some degree of separateness within their own lands, but outside of Lochaber where they were situated they could fall back on their association with the Camerons and use that name as identification and protection.⁵⁸ Likewise for a cadet branch that acquired land separate from its parent clan, creating a client relationship with a more powerful chief offered security and protection, but it also allowed for establishment as a separate independent grouping altogether.⁵⁹

For chiefs like Mackintosh and Grant, creating clientage with lesser kindreds both within and beyond their locality extended their political influence. Such external clientage was created through the contraction of bonds of political manrent. The use of socio-economic manrent within clanship has been discussed in the previous chapter but manrent contracted with external parties had a political objective.⁶⁰ In order to understand fully the significance of bonding within the locality, the alliances contracted by lesser kindreds, cadet branches and chiefs like Mackintosh of Dunachton and Grant of Freuchy, in order to secure protection and provision need to be analysed over a long chronological period and within the wider political context. Doing so sheds light on the motives that lay behind specific bonds as well as the long and short term significance of particular alliance networks.

During the fifteenth and early sixteenth centuries bonds of manrent were granted by and to individuals.⁶¹ Explicit statements of a man's

⁵⁸ A. MacKillop in M. Lynch (ed.), *The Oxford Companion to Scottish History*, 95; R.A. Dodgshon, *From Chiefs to Landlords: social and economic changes in the western Highlands and Islands, c.1493–1820* (Edinburgh, 1998), 48–50; A.I. Macinnes, "Social Mobility in Medieval and Early Modern Scottish Gaeldom: the Controvertible Evidence", *TGSI*, xlvii (1971–2), 338–73.

⁵⁹ See pp. 123–5 below.

⁶⁰ See pp. 85–93 above.

⁶¹ J. Wormald, *Lords and Men in Scotland*, 54–56. Wormald does not give much by way of explanation as to why this was the case instead suggesting it is an indication of the lack of standardisation of these bonds and of the fact that sixteenth-century bonds were more verbose with a tendency to 'spell out the obvious' in comparison to their fifteenth century predecessors. She argues the "overwhelming number of bonds were made by lairds, that is, men who had their own following, and it is inconceivable that, either explicitly or implicitly, they did not involve their followings in every contract of this kind; indeed, it is unlikely that a lord would have had any interest in bonding with a man who was not prepared or able to bring out a following".

kin, friends, servants and dependants only emerged during the course of the sixteenth century. For example, a bond of manrent to Alexander Gordon, third earl of Huntly, in 1502 granted by Alexander Seton of Tullibody was an agreement contracted simply between the two men. In contrast when William, Lord Saltoun of Rothemay, gave a bond of manrent to George, fourth earl of Huntly, in 1543 he did so on behalf of himself and his “kyn, frendis, adherentis, assistaris and parttakaris”.⁶² While bonds became more detailed regarding the kin and friends of the grantor, specification of the grantee rarely went beyond the individual and his heir. It is possible that this shift was a result of the changing political scene where men relied as heavily, if not more so, on clients than on blood relations and, therefore, it was necessary to stipulate more specifically who actually was bound by a certain bond. Certainly the example of William Mackintosh of Dunachton, fifteenth chief, who was persuaded by the Clan Chattan in 1543 to give manrent to the earl of Huntly, conveys a weaker position of chiefs and lords than has previously been suggested.⁶³ A chief was not necessarily able to guarantee the co-operation of his clan at all times, a fact explicitly stated in a bond of 1568 given by Lauchlan Mackintosh of Dunachton, sixteenth chief, to George, fifth earl of Huntly, in which he promised to ‘purchess, serue, ryde, and gang on fute and horss, in hoisting, peas and weir’ with the earl. In return, Huntly gave him certain lands which Lauchlan would

supplie, mantenanss, and defenss . . . providing all wayis, that albeit ony of my kyn and frendis of Clanquhattane, or utheris my adherentis, allis, or part takkaris will nocht assiste nor concur with me in seruice of the said nobill lord, his aris or successoris, that the samen sall nocht be hurtfull nor preiudiciall to me, my airis. . . .⁶⁴

While bonds became increasingly more detailed in terms of the individuals bound by manrent, throughout the sixteenth century, especially in the latter decades, bonds became more specific in other clauses too. The majority followed a similar standard, to a greater or lesser degree, and began by stating the parties involved, mentioning the reasons for contracting the bond, giving some further details regarding the obligations involved and, after allegiance to the crown and

⁶² *Miscellany of the Spalding Club*, iv, 191–200, 206–7.

⁶³ *Miscellany of the Spalding Club*, iv, 209–10, 260. See p. 181 below.

⁶⁴ *Miscellany of the Spalding Club*, iv, 255–6.

any other lord was excepted, the grantor bound himself under penalty before the day, date and place of contraction were mentioned along with the witnesses.⁶⁵ As Wormald argues, the reasons given as to why a bond was contracted should not be taken at face value. She highlighted the different trends within bonds of manrent during this period regarding expression and content showing that despite a degree of standardisation diversity is evident when examining the obligations involved. In the late fifteenth century bonds often contained similar clauses to that granted by William Keith of Ythane to William, third earl of Errol, Lord Hay and Constable of Scotland, dated November 1484. Keith promised “manrent and seruice”, to accompany the earl “in pece and weir”, to “gif him the best consall”, to “conseile his consall gif he to me ony schawis” and to warn him of “sketht”.⁶⁶ Although the reference to counsel died out in the sixteenth century the standard obligations were to take “plaine, trew, anefald parte” with the grantor in his ‘just and lesun actionis and querellis, . . . gangand with him in oistings . . . in weyr and peace’.⁶⁷

The duration bonds were designed to last for also varied but this was a clause, Wormald noted, rarely omitted from bonds in this period. The majority of bonds stated they were contracted for life although by the later sixteenth century it was increasingly common for bonds to become hereditary. In 1589 Lauchlan Mackintosh of Dunachton, sixteenth chief, bound himself, his “airis and successouris” to George, sixth earl of Huntly.⁶⁸ In other cases individuals bound themselves and their heirs to a lord and his heirs with a promise that the bond would be renewed later and even extended if necessary.⁶⁹ Wormald argues that when bonds were granted for a specific time period it is easy to determine the reason why, such as that given by Robert Stewart, provost of Glasgow, to James Hamilton, first earl of Arran, for the duration of Stewart’s office.⁷⁰ The late fifteenth-century bonds differ because more of them specify the exact time period for which they were contracted, sometimes only a matter of

⁶⁵ For fuller discussion of the content of bonds see J. Wormald, *Lords and Men in Scotland*, 52–75.

⁶⁶ *Miscellany of the Spalding Club*, ii, 255; J. Wormald, *Lords and Men in Scotland*, Appendix a, Erroll, no. 4.

⁶⁷ Bond by Hugh Fraser of Lovat to George, fourth earl of Huntly in 1543. NAS GD 44/13/7/17; *Miscellany of the Spalding Club*, ii, 207.

⁶⁸ NAS GD 44/13/9/24; *Miscellany of the Spalding Club*, iv, 243, 260.

⁶⁹ See pp. 92–3 above.

⁷⁰ J. Wormald, *Lords and Men in Scotland*, 63.

years. In 1483 a bond by Alexander Irvine of Lonmay, son and heir of Alexander Irvine of Drum, promised “manrent and service in pess and in wer”, stating he would not “heir wit see nor know skaith hout damagis dysswirschip or appeyrrand perral” to William, third earl of Erroll, without informing him of it while promising to give counsel when asked and if he received any would keep it secret. The bond was to last for only seven years at the end of which time a renewal would be “considerit and modefeit” by a number of named individuals.⁷¹ At other times, however, the reasoning for the time period is less obvious although it would appear that as bonds of manrent became common, so men began to view them as life-long contracts.⁷² But by nature political manrent was more pragmatic than socio-economic manrent, designed to deal with specific situations in the light of the whims of political favour.

Regardless of variations concerning the duration of political manrent expressed in the actual contract, the extent to which either party perceived them to be lifetime agreements is questionable. The exchange of bonds of manrent and maintenance established a relationship of great importance for both lord and dependant. Nonetheless, fluctuations in political standing of lords and magnates along with the political consequences of feuding within the locality meant that obligations of manrent and maintenance were withdrawn and re-established between different parties. An examination of the relationship between the Gordon earls of Huntly and some of their dependants, specifically the Grants and the Mackintoshes and Clan Chattan, highlights this, reinforcing the view that bonds of manrent were essentially pragmatic gestures designed to deal with a particular political situation. Certainly, the tendency of bonds of manrent to become more detailed and lengthy during the latter part of the sixteenth century supports this. While lords were able to adapt bonds to suit their specific needs at the time, resulting in variations in length due to the details of the obligations and parties involved, there remained a degree of equivocation within the bonds themselves as to why they were contracted.⁷³

⁷¹ *Miscellany of the Spalding Club*, ii, 253–4; J. Wormald, *Lords and men*, Appendix a, Erroll, no. 2. The named individuals were Master Gilbert Hay of Wry, Master David Hay, Master John Hay, prebendar of Cruden, Alexander Fraser of Durris, Robert Blynsall, alderman of Aberdeen, and Alexander Irvine of Belte.

⁷² J. Wormald, *Lords and Men in Scotland*, 62.

⁷³ For example, NAS GD 176/89; GD 44/13/9/7; GD 44/13/7/22; GD 44/13/7/23; GD 128/31/2/12.

Bonds of political manrent and maintenance were designed primarily as a defensive mechanism by which both lords and men gained either support or protection, or used pragmatically to deal with situations as they arose. However, the growth and contraction of regional spheres of influence within Scotland had a direct impact on bonding across Scotland. For the Mackintosh and Grant chiefs, the changing political fortunes of the Gordon earls of Huntly and the Stewart earls of Moray in the later sixteenth century resulted in the making and breaking of manrent with both earls depending on who provided most effective lordship in the central Highlands at a particular time. A similar realignment had occurred for clans and kindreds in Badenoch and Lochaber at the end of the fifteenth century during the eclipse of the MacDonald Lordship of the Isles. The changing political landscape impacted directly onto the locality and for lesser kindreds, such as satellites of the Clan Chattan, the situation regarding loyalty to a chief and to a lord could be even more complex compounded by the intricate web of alliances that existed within a locality which ensured that any slight shift could have wider ramifications.⁷⁴

These bonds also provide useful information regarding the extent of lordship of regional lords like the earls of Huntly, Moray and Argyll as well as the extent of influence of chiefs like Mackintosh and Grant. Usually bonds were made when there was some advantage to be gained on the part of both grantor and grantee. This is suggested by the continuous renewal of manrent between the Mackintosh chiefs and the earls of Huntly following an earlier breach.⁷⁵ While many bonds stated they were to last for life there were few legal repercussions if a bond was broken and, as in the Mackintosh-Huntly case, such breaks were temporary with formal reconciliation ensuring a return to stability in the region but also securing the political influence of the earls of Huntly. As the subsequent discussion will highlight, creation and reinforcement of manrent and maintenance was a two-way relationship, vital for both lord and man regardless of their unequal status.

⁷⁴ See pp. 179–200 below.

⁷⁵ This is examined in detail in chapter 5.

Bonds of political manrent

The need for personal lordship, as evidenced by bonds of manrent, was a process constantly in flux. Throughout the sixteenth century the chiefs of Mackintosh and Grant were dependants of the Gordon earls of Huntly, but bonds of manrent given by the chiefs were not exclusive to the Gordon earls. The need for effective lordship and protection was such that at times manrent was promised to two or more lords at one time. To ensure the obligations involved did not conflict, however, clauses contained within each bond excepted allegiance already promised to another lord or superior. For members of satellite kindreds of the Clan Chattan geographically remote from the parent Mackintosh clan, this could secure them the protection of the more powerful earls of Huntly, yet ensure that this did not conflict with obligations to their Mackintosh chief. Similarly, in 1532 Arthur Forbes of Balfour gave a bond of manrent to George, fourth earl of Huntly, which stated that Arthur would not “be compellit to ryde, gang, nor tak part aganis the lord Forbes” in any action of the earl. In 1593 when Lauchlan Mackintosh of Dunachton, sixteenth chief, contracted a bond with Archibald, seventh earl of Argyll, he excepted allegiance to “his Majestye and the Erle of Murray allarn-erlye”, thus maintaining the bond with his immediate superior over and above that to Argyll.⁷⁶ In these examples, the creation of external clientage with a superior had to be balanced against the obligations that already existed and take into account local, regional and national influences. As such, Mackintosh’s bond of 1593 was a reflection of the current political situation within the central Highlands, while also excepting allegiance to James VI.⁷⁷

All bonds acknowledged the ultimate authority of the monarchy but there had been successive attempts on the part of the crown to eradicate the practice of bonding because of the potential for harm. From the perspective of the monarchy, lords and magnates could be sucked into a vortex of competing alliances and by fulfilling the obligations demanded, feuds could readily escalate.⁷⁸ More importantly, successive monarchs sought to limit alliances between nobles that could threaten the ultimate authority of the crown. Repeated attempts

⁷⁶ NAS GS 176/164.

⁷⁷ See pp. 192–6 below.

⁷⁸ K.M. Brown, *Bloodfeud in Scotland*, 267; *Introduction to Scottish Legal History*, 285–6.

were made in 1424, 1457, 1491 and 1555 to prevent the formation of alliances perceived to be detrimental to the crown by invalidating all bonds already in existence and declaring the creation of further bonds to be illegal.⁷⁹ But while seeking to limit the use of private bonds, crown and government recognised the usefulness of general bands and utilised them for specific purposes. In 1529 “ane general band for gud reule” was designed specifically for landowners of the West March and used repeatedly in the region.⁸⁰ This initiative was extended to the rest of Scotland and used on a number of occasions during the Marian civil war as a means of declaring allegiance to either the king or the queen.⁸¹ The use of general, public bonds by central government during the civil war, however, meant that the tendency to resort to private bonds did not diminish. Following the commencement of his personal rule James VI made concerted efforts to limit private bonding, but the act passed in 1585 legitimised only those bonds contracted with the consent of the king, thereby giving tacit recognition of the positive aspects of the practice.⁸²

In theory all bonds excepted allegiance to the monarchy but the instability in Scotland during the period of the Marian civil war produced a variety of clauses that were intended to refer to royal authority and suggest some degree of equivocation as to where royal authority actually lay. In 1546 during the minority of Mary Stewart and the ‘Rough Wooing’ James Grant, third of Freuchy, and George, fourth earl of Huntly, exchanged bonds of manrent and maintenance in which both excepted their “allegiance to our souerane lady the Quenis Grace, my lord gouvernour, and the authorite of the Croun allanerlie exceptit”, referring to both Mary and James Hamilton, earl of Arran, the Regent.⁸³ Decades later during the civil wars ambiguous phraseology of bonds emerged. A contract between John Grant, fourth of Freuchy, and Colin Mackenzie, eleventh of Kintail, in April

⁷⁹ *APS*, i, 7 (5); ii, 50 (24), 226–7 (17), 495 (17).

⁸⁰ T.I. Rae, *The Administration of the Scottish Frontier, 1513–1603* (Edinburgh, 1996), 118; *Acts of the Lords of Council in Public Affairs, 1501–1554* (ed.) R.K. Hannay (Edinburgh, 1932), 312. Subscribing to such a bond meant the landowners were accountable for keeping the peace on their territory, and handing over those guilty of crimes to the crown. If this was not fulfilled, a penalty was imposed on the landlord.

⁸¹ I.B. Cowan, *The Scottish Reformation: Church and Society in sixteenth century Scotland* (London, 1982), 183; J. Wormald, *Lords and Men in Scotland*, 5. The general band is said to have found its fullest expression in the National Covenant of 1638.

⁸² *APS*, iii, 376.

⁸³ Fraser, *Chiefs of Grant*, iii, no. 100.

1572 may have expressed differences of political opinion as Mackenzie excepted his allegiance to “the King and the erle of Ross” while Grant exceptit “the autoritie [and] the erle of Huntly”.⁸⁴ The reference simply to an authority rather than a specified monarch did become more common in later bonds although usually with a more detailed designation such as “our souerane Lord his autoritie” or the “kingis majestic”.⁸⁵ Grant’s reference to “the autoritie”, however, may have been deliberately ambiguous due to the shifting allegiance of the earl of Huntly. The fifth earl of Argyll had recently deserted the Queen’s party in favour of the young James VI and in the early months of 1572 had persuaded Huntly to do likewise. However, this flirtation of Huntly with the King’s party was brief and by April of that year he returned to support of Mary.⁸⁶ This example also highlights how local alliances reflected and were influenced by regional and national affairs, discussed in greater depth later. For chiefs like Mackintosh and Grant, protection of a superior was crucial although it could impact negatively on clan unity.

Throughout the fifteenth century successive Mackintosh chiefs had retained close ties with the MacDonald Lords of the Isles and despite a few instances where the Mackintoshes had adhered to the crown against the MacDonalds they remained as tenants and held the bailiary of the lordship of Lochaber. During the time of Malcolm Mackintosh, tenth chief, possibly following the grant to Malcolm of the bailiary of Lochaber, the Macleans joined the Clan Chattan.⁸⁷ As kindly tenants in Urquhart and Glenmoriston the Macleans were dependants of the MacDonalds and it may have been the alliance between the MacDonalds and the Mackintoshes that prompted the Macleans to look to the Mackintosh chiefs for protection in Lochaber. This situation remained stable until the first forfeiture of the Lordship of the Isles in 1476, after which Duncan Mackintosh, eleventh chief, looked to Alexander Gordon, first earl of Huntly, for protection.⁸⁸

⁸⁴ Fraser, *Chiefs of Grant*, iii, no. 141.

⁸⁵ Fraser, *Chiefs of Grant*, iii, nos. 155, 161, 167, 176, 176, 177, 179.

⁸⁶ *CSP Scotland*, iv, 231; J.E.A. Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots*, 188–9. Huntly had briefly switched allegiance to the king previously in 1569–70.

⁸⁷ Paton, *Mackintosh Muniments*, no. 2.

⁸⁸ Mackintosh of Kinrara, ‘Origin and Increase of the Mackintoshes’, 198–210. Duncan, along with his brother Lauchlan and Allan, and Huchon Rose of Kilravock excepted allegiance to John, earl of Ross and Lord of the Isles in 1467. *RMS*, ii, no. 442; *RSS*, ii, nos. 413, 513, 520, 722–3.

This shift in allegiance was not welcomed by all members of the Clan Chattan. The Macleans, regardless of their acceptance of Mackintosh as their chief, disputed the change in superiority of the lands of Urquhart and Glenmoriston, now held by the earl of Huntly but leased to Hucheson Rose of Kilravock who was on the receiving end of Maclean displeasure. Their action brought the satellite kindred into conflict with their chief and the neighbouring Roses of Kilravock. Unwilling to allow a dispute to emerge with Kilravock, in 1481 Ferquhard promised to take action with Hucheson against the Macleans if they continued their current course of action.⁸⁹ Aggrieved by the imposition of Kilravock lordship, the Macleans maintained their alliance with the MacDonalds, borne out by a bond of manrent from Ewen Maclean to Ferquhard in 1492 where he excepted only his allegiance to Alexander MacDonald of Lochalsh, designated in the bond as Alexander “of the Isles”.⁹⁰ Shifting spheres of regional lordship had threatened to destabilise the clan relationship between the Mackintosh chiefs and one of the satellite kindreds of the Clan Chattan. In this instance, unity was preserved but external clientage on the part of cadet branches and satellite kindreds would prove challenging for Mackintosh chiefs as it created political alliances that enabled cadet branches to become independent from the parent clan.

During the time of the dispute between Duncan Mackintosh, eleventh chief, and Alexander Shaw Mackintosh, head of the Shaw cadet, concerning superiority of the lands of Rothiemurchus, Alexander Shaw sought protection from a more powerful lord.⁹¹ Alexander had given manrent to the earl of Huntly, the regional magnate, previously in 1472 but was aware that his chief, Duncan Mackintosh, was a tenant of the earl. In an attempt to bolster his position and gain further protection from another superior Shaw subsequently gave manrent to William Hay, third earl of Errol, whose estate lay in Aberdeenshire, Angus and Perth. His bond to Errol, however, excepted his manrent to the earl of Huntly ensuring that Shaw would not

⁸⁹ NAS GD 176/15. S.I. Boardman, “Politics and the Feud in Late Medieval Scotland”, 61 has interpreted this bond as a guarantee of Ferquhard’s non-aggression.

⁹⁰ NAS GD 176/15. The client clans and kindreds of the lordship had adhered to Angus Og, son and heir of John, fourth lord, following the previous forfeiture of 1476. After the death of Angus in 1490 Alexander of Lochalsh was perceived to be next in line to the lordship.

⁹¹ For an in-depth discussion of the lands of Rothiemurchus see chapter 4.

have to take part in any action that might prejudice his dependence on Huntly, a move emphasising the importance attached to Huntly's lordship.⁹² Although the dispute with his Mackintosh chief was resolved in 1476, Shaw continued to except his loyalty to his tenurial superior William Tulloch, bishop of Moray, the earl of Huntly, and the king. This situation whereby the head of a cadet branch excepted his loyalty to the earl of Huntly, over and above obligations to his chief, compromised the position of Mackintosh and suggests the attempts of Shaw to use external clientage to facilitate his break from the parent clan.⁹³

The means by which a cadet branch could establish itself as distinct from the parent clan is most clearly exemplified by the MacDonalds of Glengarry, a cadet of the Clanranald. Throughout the latter decades of the sixteenth century chiefs of the MacDonalds of Glengarry created a client relationship with the Grants of Freuchy, providing the MacDonalds with a political and military ally as well as land held from the Grants, not the Clanranald chief. The initial connection came on 17 November 1571 when a marriage was contracted between Helen, daughter of John Grant, fourth of Freuchy, and Donald, son of Angus MacDonald of Glengarry.⁹⁴ The impetus came from Grant who needed assistance in defending his lands of Urquhart and Glenmoriston.⁹⁵ The marriage agreement was combined with an exchange of bonds of manrent and maintenance between the two men, the details of which were twice as lengthy as the marriage contract itself no doubt because of the need to separate external clientage from the obligations owed by Glengarry to his Clanranald chief. Consequently, Angus MacDonald bound himself and his "airis and successouris, lairdis of Glengarrie" to serve John Grant and his "airis and successouris, lairdis of Frewquhy" in all actions excepting the

⁹² *Miscellany of the Spalding Club*, ii, 251–2; iv, 181. Huntly and Errol were on good terms and at various times contracted bonds between them. In 1466 Nicholl, earl of Errol, Lord Hay and Constable of Scotland, contracted a bond with George, Lord Gordon and Master of Huntly, later second earl. Gordon bound himself to Errol, his brother-in-law, "in law that he sall be for hym and with hym his kynne and freindis ande ther querallis in consael help supplee mantenans ande defens . . .". For further bonds of 1546, *Miscellany of the Spalding Club*, ii, 274–5; iv, 216; of 1589, *Miscellany of the Spalding Club*, ii, 278–9; and of 1593, *Miscellany of the Spalding Club*, iv, 249.

⁹³ Fraser, *Chiefs of Grant*, iii, no. 283.

⁹⁴ Fraser, *Chiefs of Grant*, iii, no. 140.

⁹⁵ See pp. 136–40 below.

authority of the king and “his cheiff of Clenrandall”.⁹⁶ There were, however, a number of caveats. If the chief of Clanranald was involved in any action against Grant of Freuchy, MacDonald would “tak afald and plane part and concur” with Grant “contrar his said chief, his airis and successouris”. But if Grant were to take any action against the chief of Clanranald, MacDonald’s loyalty lay with his chief, not with Grant of Freuchy. More importantly from Grant’s perspective was MacDonald’s promise to “fortifie, manteine and concur” with the tenants of Urquhart and Glenmoriston against any who sought to harry or waste the region and to do all he could in “resisting, revenging, restitution and reparing of all skeyththis”. If unable to revenge or restore stolen goods Angus promised to accompany Grant, or any individual the chief may appoint, and undertake further attempts at recovery. MacDonald also bound himself and his heirs to accompany Grant for the duration of any “oistis or weris” he was charged to attend so long as the chief of Clanranald was not present in the same hosting. And finally MacDonald promised to restore any “bestiall guidis and geir” taken from the bounds of Strathspey within ten days of them being stolen or would pay the same from his own goods.

The obligations into which MacDonald entered through this bond were extensive, while Grant had secured the support and assistance of a local chief and his kin in protection of the lands of Urquhart and Glenmoriston and in recovery of stolen goods. As a cadet of the Clanranald chief this bond of manrent to Grant of Freuchy may have complicated matters but lengthy and detailed clauses ensured his loyalty would not be compromised greatly. Nonetheless, what MacDonald received in return effectively enabled him to establish his own kindred on land independent of the Clanranald chief. Grant agreed that MacDonald would “bruik and iois” the nine merk land of Lochalsh, which Grant had held since 1548, although currently inhabited by the Camerons. This would cause trouble between the MacDonalds and the Camerons, but tenurial rights meant MacDonald had the upper land in legal terms when compared to Cameron claims of possession.⁹⁷ Grant also gave MacDonald infeftment of nearby

⁹⁶ Another example of the vague reference to “our souerane” during the Marian civil wars.

⁹⁷ For fuller discussion of the claims of customary possession versus legal property see chapter 4.

lands such as Morar, Glengarry and Lochcarron within the sheriffdom of Inverness. The stipulation that if MacDonald failed in any aspect of this bond all lands would return to Grant and his heirs, conveys the importance of this agreement for MacDonald. For Grant, establishing the MacDonalds of Glengarry as a client kindred would prevent their participation in any subsequent attack of the Clanranald upon his lands of Urquhart and Glenmoriston and at the same time, gain their assistance in defence of the lands. Ultimately while Grant wanted to bring the MacDonalds into his sphere of influence and limit attacks on his own estate, the creation of external clientage through political manrent, combined with tenurial rights and marriage ties, provided the means by which a cadet branch of the Clanranald could establish itself as an independent entity. The relationship was renewed on subsequent occasions in 1590 and 1597. The later bond of 1597 highlights the importance of clientage for the MacDonalds and reinforces the benefits that accrued to Grant through assistance in defence of his lands.⁹⁸

This move by the Grants of Freuchy to ally with lesser clans and kindreds situated further west in the Highlands was not new.⁹⁹ As early as 1520 John Grant, second of Freuchy, and his son James Grant, had entered into a bond with Ewen Allanson, chief of Clan Cameron, and his son Donald, reinforced through marital kinship, which Grant hoped would lead to greater protection of his lands of Urquhart and Glenmoriston.¹⁰⁰ Instead, the failure of external clientage to ensure co-operation between the two clans resulted in successive chiefs of Grant consolidating an intricate and at times tenuous network of bonds within the locality of the central and eastern Highlands, and with clans situated further west. The bonds were a defensive measure and effectively Grant sought to create something of an insurance policy not just through client kindreds, but also by establishing political and military allies that would assist him in times of need.

⁹⁸ Fraser, *Chiefs of Grant*, iii, no. 167. It specifically referred to the promise of Donald MacAngus, chief of Glengarry, to help John Grant, fifth of Freuchy, defend his lands. However, this bond made no mention of manrent and instead was designed "for guid ordour and freindschipe, mutwall luif and kyndnes" to continue between the two families.

⁹⁹ This is discussed in greater depth in chapter 4.

¹⁰⁰ Fraser, *Chiefs of Grant*, iii, no. 71. Both men excepted their allegiance to the king and the earls of Moray and Argyll, an early indication of the rise of James Stewart, earl of Moray, within the north and the impact this would have on the sphere of influence of the Gordon earls of Huntly.

Bonds of friendship

Allies were formed through bonds of friendship and mutual assistance and, like manrent and maintenance, were pragmatic gestures aimed at securing allies within a locality.¹⁰¹ They were contracted between clans with common political and military interests, ensuring each party of allies in the face of a dispute with other neighbouring clans. In these bonds, both parties promised to assist the other in all their “just lesum and honest causis or querellis” and, like manrent and maintenance, were stated to be hereditary and renewed on the succession of a new chief.¹⁰² In certain instances, much like marital kinship, bonds of friendship were contracted as part of the resolution of a feud and sought to ensure “trew and anefauld parfytt luiff, unitie, freindschip and kyndnes . . . stand and remane parpetuallie betuix the parteis”.¹⁰³ As part of such reconciliation bonds of friendship contained provision for arbitration should the feud reignite in the future and throughout the latter sixteenth century these bonds were recorded in the books of council and in burgh and shire court records in an attempt to make them binding agreements. Should one or other party renege on the agreement this provided legal backing. Provision for arbitration was an expression of the underlying political purpose of these bonds and by the late sixteenth century most were self-regulatory. While the legal component ensured that bonds of friendship were less likely to be contravened, observation of the bonds resulted, not from legal proceedings, but from the consequences that would arise within the locality should the bond be ignored.

Arbitration was a private means of dispute settlement that prevailed throughout Scotland not just in the Highlands and although

¹⁰¹ J. Wormald, *Lords and Men in Scotland*, 35 states these were a forerunner of bonds of manrent and maintenance that, certainly in the sixteenth century, were contracted for specific political purposes.

¹⁰² *Book of the Thanes of Cawdor*, 149–50.

¹⁰³ For further discussion of the bloodfeud see K.M. Brown, *Bloodfeud in Scotland, 1573–1625: Violence, Justice and Politics in Early Modern Society* (Edinburgh, 1986); J. Wormald, “Bloodfeud, Kindred and Government in Early Modern Scotland”, *Past & Present*, 87 (1980), 54–97; J. Wormald, “The Bloodfeud in Early Modern Scotland” in J. Bossy (ed.), *Disputes and Settlements: law and human relations in the west* (Cambridge, 1983), 109–113. For a Welsh perspective see R.R. Davies, “The Survival of the Bloodfeud in Medieval Wales”, *History*, 63 (1978), 338–357, who argued that the feud was “a phenomenon of the stateless society, where lordship is weak or underdeveloped”. He also regarded the feud as separate from legal action, although the sixteenth-century Scottish example suggests otherwise.

during the later sixteenth century there was an increased tendency to submit disputes directly to the central courts this did not mean the two systems were incompatible. Initially central justice dealt with appeals from local courts but there was a growing feeling that justice was more likely to be obtained at central courts away from local vested interests.¹⁰⁴ Thus, while disputes were pursued locally through arbitration, parties could turn to the courts to provide legal backing to any settlement.¹⁰⁵ In the Highlands, however, arbitration continued as the preferred method for dispute resolution. The immediate benefit was the quick settlement, but also the fairness of an outcome based on the concept of kin reparation rather than retribution.¹⁰⁶ Resolution of dispute aimed at the greater good, not the interests of one party over the other. Consequently, the parties involved each chose a number of arbiters and together agreed upon an overseer for the proceedings.¹⁰⁷ On submission of the case to the arbitration process both parties agreed to abide by the final outcome although there were no formal means of enforcing the decision if one party reneged on this. If the decree-arbitral was deemed to be prejudicial to one or other party it was of “nane avail, and may be reducit”, a check

¹⁰⁴ *Sheriff Court Book of Fife, 1515–1522* (ed.) W.C. Dickinson (Scottish History Society, 1928), ci, suggests that this was because of the ‘ignorance’ of the sheriffs “and the inefficiency of the local justice”.

¹⁰⁵ J. Wormald, “Bloodfeud, Kindred and Government in Early Modern Scotland”, 54–97; M. Godfrey, “The Lords of Council and Session and the Foundations of the College of Justice: a study in jurisdiction” (University of Edinburgh, unpublished Ph.D. thesis, 1998), 144–5, 150–60; E. Powell, “Arbitration and the Law in England in the Later Middle Ages”, *Transactions of the Royal Historical Society*, xxxiii (1983), 51; R.L.C. Hunter, *The Law of Arbitration in Scotland* (Edinburgh, 1987), 23; J. Wormald, “The Sandlaw Dispute” in W. Davies & P. Fouracre (eds.), *The Settlement of Disputes in Early Medieval Europe* (Cambridge, 1986), 203.

¹⁰⁶ A.I. Macinnes, *Clanship, Commerce and the House of Stuart, 1603–1788* (East Linton, 1996), 7; K. Nicholls, *Gaelic and Gaelicised Ireland in the Middle Ages* (Dublin, 1972), 55–6; K. Simms, *From Kings to Warlords: the changing political structure of Gaelic Ireland in the later middle ages* (Woodbridge, 1987). The *cin comhfhocuis* or kinogish was part of Irish law which the Normans had tried to stamp out after their arrival. It meant the entire kin, not just the individual who was the perpetrator or victim of crime, was involved in the settlement of a dispute and in any compensation to be made. Although by the thirteenth century central authority had accepted the role of the whole kindred in feud resolution and its place in the government of Ireland, interference on the part of territorial lords was increasing. Consequently, settlement was no longer solely the concern of the kindreds involved.

¹⁰⁷ For further discussion of arbitration see R.L.C. Hunter, *The Law of Arbitration in Scotland*; J. Wormald, “The Sandlaw Dispute”, 191–205; M. Godfrey, “The Lords of Council and Session and the Foundation of the College of Justice”, chapter 4.

against a one-sided outcome.¹⁰⁸ Nonetheless, the repercussions within the locality provided the disinclination to pursue the dispute if the end result was not wholly favourable. The individuals involved in the arbitration process would ally with the party abiding by the outcome to produce a wide network within the locality asserting pressure to bring an end to the dispute.¹⁰⁹

By the late sixteenth century bonds of friendship and mutual assistance were used to maintain peace and stability in the locality by the provision for arbitration contained within them. More often than not, however, they were defensive alliances, contracted as a pre-emptive strike against the development of local squabbles into major disputes which would result in widespread political and economic upheaval.¹¹⁰ Bonds of friendship had political, military and economic stimuli, forging alliances between chiefs to ensure co-operation, instigated to deal with immediate political realities or reaffirmed when one or other party in a long-standing alliance felt under threat. They brought together individuals of equal standing and while some bonds were rather general, others stated a specific enemy or situation when military or political aid would be required. The bonds contracted by successive chiefs of Mackintosh and Grant in their efforts to protect and defend their lands highlights the importance of these local alliances.

¹⁰⁸ *The Pratricks of Sir James Balfour of Pittendreich*, ii, 414, c.xv.

¹⁰⁹ Other measures, such as marriage, were also relied upon to secure a lasting settlement.

¹¹⁰ One of the main concerns within a locality and between neighbouring clans was the defence of lands, especially lands geographically remote from the main clan estate. In order to protect against incursions from enemies and caterans who raided crops and herds of others, alliances were forged with various clans as defensive mechanisms. While these sought to prevent the outbreak of dispute, they also ensured a chief of support against the attacks of others and help in seeking recompense for his loss. This is discussed in detail in chapter 4.

CHAPTER FOUR

LAND: PROPERTY & POSSESSION

The bonds of internal and external clientage created within and between clans were crucial for securing clan cohesion and local political alliances. In this chapter the network of alliances created through external clientage, bonds of friendship and mutual assistance as well as blood, marital and fictive kinship will be analysed in greater detail over a long chronological period. Examining each alliance within the wider context allows for the defensive nature of these bonds to be highlighted and emphasises need for political and military allies to be created and maintained in order to protect and defend clan lands. The Grant policy of creating clientage with the MacDonalds of Glengarry which was touched on in the previous chapter will be placed within a wider network of alliances contracted with dependants and equals in order to secure protection and defence of Grant lands of Urquhart and Glenmoriston. Successive chiefs of Grant also took steps to secure their legal title to the lands of Rothiemurchus while the Mackintoshes faced similar problems in maintaining their rights to the lands of Glenlui and Locharkaig. These disputes over land were the result of a combination of political and economic factors and often arose from a lack of uniformity between land a clan collectively perceived to belong to them and to which they had only rights of possession, the *duthchas*, and land which the clan chief held legal property rights for, the *oighreach*.¹

Tenurial Superiority and Customary Claims

The system of landholding in Scotland had similarities with the feudal society that existed in England and continental Europe where land, a fief, was held from the crown or another feudal superior in

¹ A. Mackillop, "Clans of the Highlands and Islands: 1610 onwards" in M. Lynch (ed.), *The Oxford Companion to Scottish History* (Oxford, 2001), 95; A.I. Macinnes, *Clanship, Commerce, and the House of Stuart, 1603–1788* (East Linton, 1996), 2–8.

return for military service. The debate as to whether feudalism ever existed in Scotland continues but charters were used to convey territorial and judicial rights which often became hereditary while the service to be given in return varied.² Along with rental due to the landlord, whether military or galley service was involved depended on the geographic location of the grantee or the needs of the superior, suggesting a more malleable system of landholding. For example, in 1545 during Henry VIII's 'rough wooing' of Scotland, Patrick, Bishop of Moray and Commendator of Scone, granted lands to William Mackintosh of Dunachton, fifteenth chief. Along with the feu payment, Mackintosh was required to give "personal attendance at the Bishop's three head courts, and also in his justice ayres" and to attend "suitably armed and accoutred when required for military service in the Queen's army".³ Meanwhile galley service was typically included in charters granted to individuals in the west of Scotland where local knowledge of the seas and waterways was vital for central authority.⁴

Susan Reynolds' analysis of feudal society and the use of charters throughout Europe suggests that historians' acceptance of the prevalence of this rigid 'feudal' society is misleading. What did exist was something much more fluid and adaptable to different social orders.⁵ Since the reign of David I in Scotland the increased use of charters within the southern and eastern regions of Scotland had witnessed innovations and reform in a more concentrated manner than in the Highlands, leading to the perception of Lowland society as 'feudal' and incompatible with the kin-based society of the west and north. However, the fact that Gaelic lords held their land from the crown by 'feudal' charter suggests this incompatibility has been overstated.⁶ The use of charters within the Highlands emphasises the ability of Gaelic

² *The Scottish Medievalists* annual conference in 2003 debated feudalism in Scotland although much appeared to concentrate on semantic issues.

³ Paton, *Mackintosh Muniments*, no. 42.

⁴ As evident during the reign of Robert I who needed this support for his invasion of Ireland in 1315 (cf. G.W.S. Barrow, *Robert Bruce and the community of the realm* (3rd edn, Edinburgh, 1988), 289–92). *RSS*, v, 54, nos. 27, 46, 239, 366, 374; vi, nos. 486–7; *Acts of the Lords of the Isles*, xxxviii–xlii, nos. 5, 80, 121, A51). See also S. Boardman, "The Campbells and charter lordship in medieval Argyll" in S. Boardman & A. Ross (eds.), *The Exercise of Power in Medieval Scotland, c. 1200–1500* (Dublin, 2003), 113–4.

⁵ S. Reynolds, *Fiefs and vassals: the medieval evidence re-interpreted* (Oxford, 1994).

⁶ S. Boardman, "The Campbells and charter lordship in medieval Argyll", 97 has argued that the use of charters and the "language of feudal conveyancing" should not be regarded as evidence of acceptance of associated social and cultural values. *Acts of the Lords of the Isles* has illustrated this case clearly.

society to adapt to, and indeed capitalise on, the new legal and political infrastructure. Formalisation of land tenure gave Highland chiefs legal title to lands which their clan inhabited, securing their traditional bases. For others the use of charters undermined their landed base in the Highlands by granting property to another clan chief although claims to land based on customary possession were not dismissed out of hand, instead recognised as having some validity. The conflict of interests between chiefs who held land as their property and chiefs who claimed land through possession could result in feuds that lasted for centuries. In the Lowlands habitation of land for three generations or more was acknowledged as giving tenants a right to the land known as 'kindly tenancy' despite having no legal basis at all. In the Highland region, however, such claims of customary possession to a specific territory held greater significance due to the close association between clan and land, an association that paid little attention to tenurial rights.⁷

Legal tenure was granted via charter to the clan chief who held it on behalf of his clan in 'trusteeship', a perception shaped by the communal property rights of tribal society combined with the reciprocal relationship at the heart of clan society.⁸ The economic provision of the clan as a whole argues for this collective possession of land by the clan although in the eyes of the law, as expressed in charters, it was the chief who was sole proprietor of the lands. He was fully accountable for the payment of rent, provision of service and, increasingly throughout the sixteenth century, for the behaviour of those who inhabited the land. The view of the chief as sole owner of his land may have been adopted to some extent by clan chiefs themselves. A chief's ability to lease, grant and entail land he held suggests that he may have viewed it as his territory and while his clan members settled on it and farmed it, they had no claim or right to it.⁹ But while chiefs may have regarded land as their property, they did not

⁷ W. Macleod, *Divided Gaels. Gaelic Cultural Identities in Scotland and Ireland c. 1200–c. 1650* (Oxford, 2004), 126–47 highlights how this association between land and people is expressed in bardic poetry.

⁸ A.I. Macinnes, *Clanship, Commerce and the House of Stuart*, 3–6.

⁹ The reaction of Duncan Mackintosh, eleventh chief, to the actions of Alexander Shaw regarding Rothiemurchus suggests that this was the case. The chief did not welcome the head of a cadet branch usurping tenurial superiority which had formerly pertained to Duncan himself. But Rothiemurchus was part of the traditional clan lands and subsequent chiefs did alienate other territory to cadet branches. Likewise, Boardman suggests that the Campbell use of charters to ensure the preservation of

view all of the clan estate in the same way. Land that a chief acquired during his lifetime was readily leased or granted out to cadet branches or other local kindreds. This contrasts sharply with the measures taken by a chief to protect and preserve intact the core estate or the *duthchas*, lands traditionally occupied by the clan. This traditional clan estate was strongly associated with the clan as a whole as well as with the chief but problems arose when chiefs did not have legal rights to it.¹⁰ At the same time, a chief also faced difficulties of ensuring possession of land he did have tenurial right to.

A chief's legal title to land was not necessarily respected by all tenants, especially any who considered the land part of their traditional clan estate. The structure and nature of clans ensured that tenurial superiority in the Highlands conflicted with patterns of settlement. The expansion of clans through cadet branches and satellite kindreds brought the issue of conflicting landlordism to a head. As clans expanded numerically members of a particular clan acquired land from another landlord and consequently, paid rent to their tenurial superior as well as calp to their chief in order to secure continuity of protection. Expansion of larger clans tended to be territorial as well as numerical and this had direct repercussions for those already inhabiting the region. As larger clans sought to gain possession of neighbouring land smaller, more vulnerable kindreds faced displacement to less high-pressure regions. In the face of an expansionist clan whose influence in the area was widespread, a chief's tenurial claim to nearby land could mean little resulting in his nominal superiority of the land while at the same time compelled to acknowledge members of another kindred as his tenants.¹¹ In practice, therefore, rights to property did not necessarily guarantee possession of the land. Rather, a chief whose clan expanded through territorial possession could have much greater influence than those who held legal rights to the land. A number of satellite kindreds of the Clan Chattan, like the Macleans of Dochgarroch, had been displaced from the western Highlands due to the aggressive expansion of the MacDonalds of

the clan estate within the family of the head of the kindred shows that the chief perceived that he had the right to do what he pleased with the land (cf. "The Campbells and charter lordship in medieval Argyll", 101–2). See also pp. 145–57 below.

¹⁰ A.I. Macinnes, *Clanship, Commerce and the House of Stuart*, 3–6; W. MacLeod, *Divided Gaels*, 136–55.

¹¹ M. MacGregor in M. Lynch (ed.), *The Oxford Companion to Scottish History*, 54–5.

Islay and their cadet branches. The Macleans acquired new territory in the central Highland region around Inverness although political ties with the MacDonalds continued for some time after their migration east.¹²

The difficulty for the Mackintosh chiefs in this situation was maintaining cohesion with satellite kindreds who held land from a different landlord. A disparate landed estate could be beneficial in economic terms, but the need to maintain socio-economic, political and military alliances with cadet branches and satellite kindreds geographically remote from the parent clan became increasingly complicated as satellites and cadet established new relationships within another locality. The accumulation of disparate territorial holdings as well as administrative jurisdictions had become increasingly common throughout Scotland from the fourteenth century onwards and even as early as the twelfth century the aristocracy had expanded beyond their provincial bases as they gained land and office in various regions.¹³ In the mid-fifteenth century for example, the main estate of earls of Douglas lay in the south of Scotland, but through marriage they claimed the earldom of Moray, subsequently acquiring it and the earldom of Ormond, both held by brothers of William Douglas, eighth earl.¹⁴ Although these lands were remote from their main power base, this did not prevent the Douglasses from actively seeking to expand in the north. Similarly, the Campbells based in Argyll acquired the lands of Cawdor near Inverness which allowed the clan to extend its tentacles of power further across Scotland. Indeed, the political cohesion evident between the Campbells of Argyll and their numerous cadet branches in the late medieval era was a fundamental factor in the continuation of their expansive political power in the west.

¹² A.M. Mackintosh, *The Mackintoshes and Clan Chattan* (Edinburgh, 1903), 78; S.I. Boardman, "Politics and the Feud in Late Medieval Scotland" (University of St Andrews, unpublished Ph.D. thesis, 1989), 62–4; NAS GD 176/15. This was also the case for the MacGillivrays, see HRA Baillie of Dunnain Papers, 3 unbound volumes of C. Fraser-Mackintosh, *The Minor Septs of Clan Chattan. An account of the confederation of Clan Chattan: its kith and kin* (Glasgow, 1898), 2, 129–32; C. Fraser-Mackintosh, "Minor Highland Families, no. VIII. The MacGillivrays of Dunmaglass", *TGSI*, xx (1894–96), 29. See also pp. 121–2 above.

¹³ R.D. Oram, "The earls and earldom of Mar, c. 1150–1300" in S. Boardman & A. Ross (eds.), *The Exercise of Power in Medieval Scotland*, 63.

¹⁴ M. Brown, *The Black Douglasses: war and lordship in late medieval Scotland* (East Linton, 1998), 269–71.

For less powerful chiefs like the Mackintoshes and the Grants, the acquisition of land by a cadet some distance from the main clan estate did not necessarily result in an expansion of clan power. Instead, chiefs were faced with the possible splintering of the clan as distant branches either actively set out to become independent of the main clan, or gained protection by becoming a client of a more powerful clan chief in the locality. The Grants of Freuchy found it difficult to provide effective lordship for clan members in Urquhart and Glenmoriston throughout the sixteenth century, despite being tenurial superior of the lands the cadet inhabited. Tenurial superiority did not necessarily result in possession of land, and the reality of this was brought home to successive Grant chiefs on a number of occasions. Customary claims of possession remained strong and the example of Urquhart and Glenmoriston emphasises that examining tenurial superiority of the Highland region does not accurately reflect the political reality. Indeed, clan chiefs could have extensive influence through clientage in a region where they had no property rights as was the case with John MacDonald, fourth Lord of the Isles. Despite having been forfeited of the earldom of Ross and his other mainland territories in 1476, MacDonald influence remained strong in Lochaber and certainly appears to have caused the Grant chiefs some difficulty in the late fifteenth century.

Following the first forfeiture of the Lordship of the Isles in 1476 George Gordon, second earl of Huntly, received a fee of 100 merks from the fermes of Urquhart and Glenmoriston, along with custody of Urquhart Castle.¹⁵ He later sub-leased Urquhart and Glenmoriston to Hugh Rose of Kilravock who encountered great difficulty in establishing control so resigned them back to Huntly in return for a grant of the bailiary of the Black Isle.¹⁶ The shift in superiority away from the MacDonalds may have been at the root of this trouble but the Gordons fared little better in asserting authority in these lands and by 1492–3 the rents of the lands of Urquhart and Glenmoriston were four years in arrears, a situation compounded by the rebellions in the north following the 1493 final forfeiture of the

¹⁵ *Miscellany of the Spalding Club*, iv, 134–5; R.J. Tanner, *The Late Medieval Scottish Parliament: politics and the three estates, 1424–1488* (East Linton, 2001), 213.

¹⁶ *A Genealogical Deduction of the Family of Rose of Kilravock 1290–1847* (ed.) C. Innes, (Edinburgh, Spalding Club, 1898), 139–40, 143–50, 157–8.

MacDonald lordship.¹⁷ Alexander, third earl of Huntly, was relied on to restore order to the west and he sublet the lands once more, this time to John Grant, second of Freuchy in 1502.¹⁸ In 1509 Grant received feu-farm tenure from the crown for the barony of Urquhart and the lands of Corriemony and Glenmoriston were granted to his sons.¹⁹ Although Grant was able to maintain two dwellings, one at Urquhart and one at Saint Ninian, as well as establish his own tenants there, his lands of Urquhart and Glenmoriston continually came under attack from cadet branches and former client clans of the MacDonald Lords of the Isles, the Clan Cameron and the Clanranald.²⁰

Despite legal tenure the Grants found it difficult to gain possession of the lands and benefit from the profits. But by establishing a cadet branch in the region and by creating ties of clientage with the tenants and neighbouring clans that could assist in protection and defence of the lands, the chiefs of Grant hoped to stabilise the situation to their own advantage. The acquisition of land, in terms of both property and possession, was important for an expanding clan not just in terms of provision of land, but also as an economic resource. Although unity of clan estate provided benefits of cohesion, the unevenness in land quality meant some regions were more profitable than others. Consequently, a disparate estate may have brought economic benefits allowing chiefs to combine arable and pastoral farming.²¹ Nonetheless, such economic benefits in terms of

¹⁷ *Acta Dominorum Concilii. The Acts of the Lords of Council in Civil causes. Vol 2 A.D. 1496–1501* (ed.) G. Neilson & H. Paton (Edinburgh, 1918), 267; *ER*, xii, 61, 128, 218, 348, 659.

¹⁸ Fraser, *Chiefs of Grant*, i, 86 states that Grant may have held these lands from Huntly as early as 1488. This may well have been the case as at the same time John Grant, second of Freuchy, was sheriff in Inverness-shire and in 1490–1 received a commission to go against the Mackenzies (cf. Fraser, *Chiefs of Grant*, i, 79–80, 81–4).

¹⁹ Fraser, *Chiefs of Grant*, i, 86–7; iii, nos. 59–60; *RMS*, ii, nos. 3390–2. Glenmoriston passed to the chiefly line of the Grants of Freuchy as suggested in a charter of 1520 (cf. Fraser, *Chiefs of Grant*, iii, no. 71). See p. 45 above.

²⁰ John, earl of Ross and fourth Lord of the Isles, had rebelled in 1451, taking possession of Urquhart Castle. While Ross was allowed to hold Urquhart in 1454 and 1455 (cf. *ER*, v, 655; vi, 68) the lands of Glenmoriston were granted to him for life in 1455–6 (cf. *APS*, ii, 42; *ER*, vi, 217, 221). See also *Acts of the Lords of the Isles*, xxx–xxxi; A. Grant, “Revolt of the Lords of the Isles”, *SHR*, ix (1981), 169–74; M. Brown, *The Black Douglases*, 291–2.

²¹ A. MacCoinnich, “‘His spirit was given only to warre’: Conflict and Identity in the Scottish *Gàidhealtachd* c. 1580–c. 1630” in S. Murdoch & A. Mackillop (eds.), *Fighting for Identity: the Scottish military experience, c. 1550–1990* (Leiden, 2002), 133–62.

produce from the land had to be balanced against the disadvantages of problems of possession, conflicting landlordism and need for defence against hostile neighbours.²²

Economic Considerations

Shortly after Grant received the lands of Urquhart and Glenmoriston in 1509 they came under attack when another uprising broke out in the west. Initially led by Donald MacDonald of Lochalsh, who wanted to recover his father's lost lands by exploiting the weakness of government after the devastating defeat at Flodden, and later joined by Alexander MacDonald of Dunivaig and the Glens when both men sought revenge on John MacIain of Ardnamurchan, the revolt was short-lived. In 1517 Grant, unable to reap the profits because of the devastation inflicted on the region, received a remission from the Lords of Council for rents of Urquhart in the light of the recent attacks by the Clan Cameron and the Clanranald.²³ Yet while Grant could make the most of recourse to formal legal procedures in the wake of the recent rebellion, former tenants of the region would not relinquish their claims of possession easily, nor would they acknowledge Grant superiority in the region. In an effort to protect these lands and offer effective lordship to his clan members and tenants successive Grant chiefs contracted a network of alliances as a means of securing allies and assistance in the struggle to gain possession of the land. This involved bonding with the Clan Cameron itself and also the Mackenzies of Kintail.

The Mackenzies of Kintail were in a similar position to the Grants of Freuchy. Former tenants of the MacDonalds of the Isles in Ross they benefited from the forfeiture by gaining legal tenure from the

²² L. Holy, *Anthropological perspectives on kinship* (London, 1996), 51–70 argues an economic basis to kinship relations. J.E.A. Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots: the Fifth Earl of Argyll and the Struggle for Britain and Ireland* (Cambridge, 2002), chapters 1 & 2 highlight the Campbell chief's continued maintenance of his lands in Argyll although politically powerful enough to support the acquisition of the Cawdor estate in 1510.

²³ *Acts of the Lords of Council in Public Affairs, 1501–1554: Selections from the Acta Dominorum Concilii introductory to the register of the Privy Council of Scotland* (ed.) R.K. Hanny (Edinburgh, 1932), 87–90; Fraser, *Chiefs of Grant*, iii, no. 70. During this attack Grant lost the profits of 300 bolls of bere, 200 bolls of oats, 600 cattle, 1000 sheep and goats, 200 horses and mares and 200 swine along with moveable goods such as pots and pans, kettles, blankets and foodstuffs like milk, cheese and eggs (cf. Fraser, *Chiefs of Grant*, i, 88–9).

crown to lands in their locality.²⁴ The consequence of this, however, was the continued attacks on their lands by various members of the Clan Donald such as that by Alexander of Lochalsh in 1491.²⁵ Mackenzie efforts to protect and defend their lands pushed them closer into alliance with other loyal clans in the Highlands like the Grants and, ultimately, to the crown itself. In contrast, however, the Camerons had no clear policy. As former tenants of the MacDonalds they retained strong connections with the island clan after the forfeiture ensuring their situation in the central Highlands was problematic. Shifting regional authority brought them into the sphere of Gordon influence and their subsequent contraction of bonds with the Grants of Freuchy and the Mackintosh chiefs suggests they tried to re-habilitate themselves with the new political framework. But along with the Clanranald they sporadically raided and harried the lands held by the Grants in Lochaber. This behavioural pattern was the stimulus for the Grant chiefs to contract defensive bonds against the Camerons as well as preventative alliances with them as in 1520 when John Grant of Freuchy promised to defend Ewen Allanson, chief of Clan Cameron, and his heirs in their lands in Lochaber, while the Cameron chief promised to defend Grant and his heirs in Urquhart and Glenmoriston.²⁶

Securing alliances within respective localities, however, could be easily undermined as evidenced in 1544 when Urquhart and Glenmoriston were attacked once more by the Camerons and Clanranald in the aftermath of the battle of Blar-nan-leine.²⁷ In response, James Grant, third of Freuchy bonded with William

²⁴ A. MacCoinnich, “‘Kingis rabellis’ to ‘Cuidich ‘n Righ’? Clann Choinnich: the emergence of a kindred, c.1475–c.1514” in S. Boardman & A. Ross (eds.), *The Exercise of Power in Late Medieval Scotland*, 175–200.

²⁵ For example, immediately following the forfeiture the Mackenzie lands were attacked by Alexander MacDonald of Lochalsh although this was more likely to have been connected with a personal feud between Alexander and Kenneth Mackenzie, while Donald Gorm MacDonald also attacked Ross in his rebellion of 1539 (cf. A. Cathcart, “Symbolic figurehead or political opportunist?: the rebellions of Donald Dubh”, in R.D. Oram (ed.), *The Lordship of the Isles* (forthcoming)).

²⁶ Fraser, *Chiefs of Grant*, iii, no. 71. Both men excepted their allegiance to the king and the earls of Moray and Argyll. At this time James Stewart, earl of Moray, then lieutenant-general of the north of Scotland had eclipsed Gordon influence due to the minority of George, fourth earl of Huntly. The Cameron chief also inserted another clause in which he acknowledged the continuing importance of “the fathfull band of kyndnes maid of befoir, betuix McIntosich at now is and the said Ewein Allansone, to be heil keptit in it self”. Maintenance of stability with the Mackintoshes was crucial, regardless of this new alliance with the Grants of Freuchy. See p. 125 above.

²⁷ See p. 181 below.

Mackintosh of Dunachton, fifteenth chief, John Mackenzie of Kintail and others, promising to “manteyne, help and do for vthiris as proximate of bluid and kyndess . . . requires.” They also agreed not to “appwynt with the Ilis men, Clanchamron nor Clanranald, without the awys of vthiris”.²⁸ This provided Grant substantial allies within the locality that warned against the Camerons. Once again, however, Grant did not content himself with securing defensive alliances against the Camerons and Clanranald. As the attack had ruined his lands of Urquhart and Glenmoriston the chief looked to central authority for assistance and once more received a remission of rents owing for these lands in 1546.²⁹ As a result of the attack Grant had lost 200 bolls of oats and 100 bolls of bere; 100 cows, 100 calves, 50 young cows, eight horses, four mares, four young horses, 140 ewes, 100 lambs; £300 Scots in cash, artillery and a considerable amount of other moveable goods. His tenants also suffered through the loss of cattle, goats, sheep, linen and woollen cloth, and corn.³⁰

In the light of such losses, political and military allies were vital for Grant to secure possession of Urquhart and Glenmoriston and to enjoy the profits of the land and Grant continued to push for alliance with the Camerons as the best security against future depredations. In 1548 James Grant contracted a bond with Ewen Cameron of Lochail in which Cameron acknowledged that he and his men had committed “innormiteis and misrewillies” to Grant’s lands of Urquhart, while Grant, through “prorsus of law” had obtained tenurial right to lands inhabited and claimed by the Camerons.³¹ The two men reached agreement whereby Ewen would pay the “haill profitis and dewitteis” of the lands while James would not dispoise them without ‘the auis and consideracione’ of John Mackenzie, ninth of Kintail, his son Kenneth, John Grant of Mulben, son and heir of the said James, John Grant of Culcabok and other “weill auisit frindis”.³²

²⁸ Fraser, *Chiefs of Grant*, iii, no. 97.

²⁹ Fraser, *Chiefs of Grant*, iii, no. 101. Grant received a discharge of the rents of Urquhart and Glenmoriston for three terms from James Hamilton, earl of Arran and Governor of Scotland, on account of the wasting of his lands by the Camerons, the Clanranald and the Clan Ayane.

³⁰ Fraser, *Chiefs of Grant*, i, 112–3.

³¹ A reference to Grant’s acquisition of tenurial rights to lands in Lochalsh, Lochcarron and Lochbroom.

³² Fraser, *Chiefs of Grant*, iii, no. 103. Each man bound himself to the other, promising to take part in the lawful actions and excepted the queen, the earl of Huntly, and William Mackintosh.

Through this agreement Grant once again hoped to achieve stability in Urquhart and Glenmoriston by leasing lands of Lochalsh to the Camerons and providing them with an economic resource, as well as creating a political and personal alliance.³³ Once again such measures were of limited success. In 1567 Lauchlan Mackintosh of Dunachton, sixteenth chief, and Kenneth Mackenzie, tenth of Kintail were directed to assist John Grant, fourth of Freuchy, in his actions against the Clanranald and Clan Cameron in response to their recent incursions into Urquhart and Glenmoriston.³⁴ Despite his best efforts, Urquhart and Glenmoriston continually bore the brunt of unrest in the west and attacks from the Camerons and Clanranald. Concern over this issue pushed Grant towards reinforcing old and creating new allies and precipitated a bond between John Grant and Colin Mackenzie, eleventh of Kintail in 1570. For the “proximite of blude, lud, kindness and gude deid” Mackenzie bound himself, his heirs, “kyn, frendis and allya and part takaris” to Grant, his heirs, “kyn, frendis and heretage” against the Clanranald and all others that might harass Grant, his heirs, kin, “rownes and possessionis”.³⁵

Alliance with the Mackenzies, however, was not enough and Grant established clientage with the MacDonalds of Glengarry, a cadet of the Clanranald. The extensive obligations made by Angus MacDonald in a bond he contracted with Grant in 1571 signifies the economic importance of Urquhart and Glenmoriston.³⁶ As well as promising to “fortifie, manteine and concur” the tenants of Urquhart and Glenmoriston against any who sought to harry or waste the region MacDonald promised to do everything within his power to resist and revenge the attack and seek restitution or reparation of goods taken from Grant and his tenants. This promise extended to all “bestiall guidis and geir” taken from within Grant’s estate in Strathspey as well. And although gaining an important ally, Grant struck the Camerons hard. He infest MacDonald in the lands of Lochalsh,

³³ It is possible that the attacks by the Camerons and Clanranald had an economic motive.

³⁴ Fraser, *Chiefs of Grant*, iii, no. 129.

³⁵ Fraser, *Chiefs of Grant*, iii, no. 139. Mackenzie excepted his allegiance to the earl of Atholl, an indication of the complex political situation during the latter years of the Marian civil war. Atholl’s estate which lay in Aberdeenshire, Perth and Angus, was near to that of Huntly. At this time, Huntly was still a member of the Queen’s party while Atholl had declared for the king.

³⁶ Fraser, *Chiefs of Grant*, iii, no. 140. See pp. 123–5 above.

inhabited by the Camerons, as well as Morar, Glengarry and Lochcarron within the sheriffdom of Inverness.³⁷ By allying with the MacDonalds of Glengarry Grant was hoping to put an end to their participation in any subsequent attacks of the Clanranald while also gaining their support in seeking restoration of stolen goods. Political or territorial issues are often perceived to be at the heart of clan feuding, although it has been suggested that basic economic survival was the motivation for raiding and revenge attacks.³⁸ This example of the Grants shows how political and territorial issues were intimately connected with the economic significance of land in the Highlands.

Important in political and military terms land was a vital economic resource as well. Farming operated on a communal basis sustaining the clan as a whole, and while the clan operated on a subsistence level, in contrast it was the chief who reaped the benefits by receiving a surplus of rent. Payments of rent and calp were made to him, whether in the form of crops, livestock or produce, and the extraction of these gifts from clan members and clients had a significant bearing on a chief's status, both within the clan and the wider locality, because of how this surplus was consumed and re-distributed. When harvest failed and there was a dearth the chief, as a benevolent figure, was expected to provide for his clan. In these instances, his surplus was re-distributed among his clan. At other times, chiefs used their abundance of food and livestock in a more symbolic way through the socio-political significance attached it. Robert Dodgshon has highlighted the importance of feasting and Highland hospitality within Gaelic culture where it was regarded as better not to entertain at all rather than supply a mediocre table. A chief's use of livestock and produce of the land in 'chiefly displays' of feasting had immense political importance, conveying his wealth and generosity to neighbouring kindreds who might then take protection from him.³⁹ The 'redistribution' of food was important in economic terms for

³⁷ If MacDonald failed in any aspect of this bond, all the lands would revert to Grant and his heirs.

³⁸ R.A. Dodgshon, *From Chiefs to Landlords. Social and Economic Change in the Western Highlands and Islands, c.1493–1820* (Edinburgh, 1998); W.R. Kermack, *The Scottish Highlands: a short history, c.300–1746* (Edinburgh, 1957). Indeed it could be argued that there was an economic agenda behind the attacks of the Camerons and Clanranald.

³⁹ R.A. Dodgshon, "West Highland Chiefdoms, 1500–1745: A Study in Redistributive Exchange" in R. Mitchison & P. Roebuck (eds.), *Economy and Society in Scotland and Ireland, 1500–1939* (Edinburgh, 1988), 27–37.

the clan, but the implications for a chief in terms of social standing and prestige were evident.⁴⁰ In order to use food to emphasise his wealth and status a chief had to be able to provide land for his clan, maintain his influence, and protect both clan members and the lands they inhabited. Land was the basis of survival and any attack on clan lands would strike at the economic base of the clan—and the chief.

The destruction of crops and theft of livestock was detrimental to a clan and its chief. Enemies sought to inflict as much damage as they could, as quickly as possible and retreat with their booty without having to face major reprisals within their enemies' territory. The economic implications of this raiding and wasting resulted in tit-for-tat attacks that helped reinforce the perception of the lawless Highlanders. Any attack that decimated a clan's economic well-being was also a socio-political attack on the chief who was no longer able to provide for his clan or hold extravagant feasts at which food was required to be not simply plentiful but in excess of need or want.⁴¹ Raiding and wasting resulted in an immediate shortage for the clan but, depending on the extent of the devastation of the lands, this could be longer-term. It was the duty of the chief to make up any shortfall in the clan's provisions and consequently, chiefs would resort to revenge attacks to regain or compensate for lost goods, thus perpetuating unrest. Retaliatory raids prolonged disorder and perpetuated the economic conditions that produced cattle raiding and theft of crops. Dearth of foodstuffs raised the issue of economic survival for the clan as well as the socio-political standing of the chief. If one clan was facing a shortage they could reverse this situation, while also decreasing the economic standing of another, by cattle raiding, stealing grain and harrying lands.⁴²

Some chiefs would seek to regain lost goods themselves but as an insurance policy also could turn to the authorities to alleviate their situation as the Grants of Freuchy did. John Grant, fourth of Freuchy, also enlisted the help of Angus MacDonald to gain restitution of

⁴⁰ R.A. Dodgshon, *From Chiefs to Landlords*, has produced an excellent analysis of economic redistribution in the Highlands while J. Dawson has shown exactly how this system operated for Archibald Campbell, head of the Clan Campbell in *Politics of Religion in the Age of Mary, Queen of Scots*, 59–85.

⁴¹ R.A. Dodgshon, *From Chiefs to Landlords*, 84–7.

⁴² R.A. Dodgshon, *From Chiefs to Landlords*, 87–98.

stolen goods and livestock.⁴³ The value of livestock, especially cattle, in the Highlands contributes somewhat to the view of Highland society as poverty-stricken, a cashless economy based on subsistence farming and isolated from Lowland commercial opportunities. While the tenant farmers did operate at subsistence level, and while some chiefs were less wealthy than others this should not detract from the lifestyle of certain clan chiefs. They were wealthy enough to throw lavish feasts because they diligently collected rents and duties from tenants and clan members. Evidently they collected a substantial profit enabling them to build impressive castles in their own territories and import desirable commodities such as wine and fabrics as well as luxury goods.⁴⁴ West Highland clan chiefs were the first outside of the royal house to build their own castles, a trend which became common throughout Scotland during the late medieval and early modern period.⁴⁵ While the general perception of the Highlanders as an impoverished people needs re-assessment so does the crown's belief that the region was commercially stunted.

Throughout the late medieval and early modern period there was a lack of burghs within the Highlands, but this does not mean that the region was isolated from the commercial markets of the Lowlands or that it saw little trade. Remnants of wine carriers found in the west Highlands suggest that there were direct links to the continent or, as is more likely, that clan chiefs traded with Irish lords, importing continental goods in return for the produce of the region.⁴⁶ Certainly the Irish lords had strong trade links with France and other continental countries. In 1561 a Tudor official reported that Manus O Domhnaill, king of Tyrconnell, was the "best lord of fish in Ireland and he exchangeth fish always with foreign merchants for wine".⁴⁷

⁴³ See pp. 123–5 above.

⁴⁴ K.A. Steer & J.W.M. Bannerman, *Late Medieval Monumental Sculpture in the West Highlands* (Edinburgh, 1977), 22, 27, 144–6; D. Caldwell (National Museums of Scotland) has emphasised the connections between Scotland and the continent pointing to the example of the Lewis chess pieces which probably were crafted in Trondheim (cf. V. Glenn, *Romanesque and Gothic Metalwork and Ivory* (Edinburgh, 2003). My thanks to David Caldwell for this reference.

⁴⁵ The earliest non-royal castle in Scotland is Castle Sween situated in the west.

⁴⁶ D. Ditchburn, *Scotland and Europe: the medieval kingdom and its contacts with Christendom, 1215–1545, vol i: religion, culture and commerce* (East Linton, 2000), 136–98; D. Caldwell, "Continuity and Change" (unpublished paper presented at St Andrews Scottish History Seminar, March 2005).

⁴⁷ *Calendar of the Carew manuscripts, 1514–74 preserved in the archiepiscopal library at Lambeth* (eds.) J.S. Brewer & W. Bullen (London, 1867–73), i, 308 in B. Bradshaw,

These Irish links with the continent were not simply a sixteenth century phenomenon as a fourteenth century lord of Donegal was known as Aodh an Fhiona, Hugh of the Wine. Such trade links, as Brendan Bradshaw has argued, were accompanied by strong ecclesiastical connections between Ireland and the continent.⁴⁸ In the light of close connections between Irish and Scottish Gaelic society it is likely that Highland chiefs exploited these trade patterns. While evidence for this limited, archaeological remains testify that clan chiefs capitalised on existing trade links between Ireland and the continent, as well as trade with the Lowlands, allowing them to maintain lavish lifestyles in stark contrast to the rest of their community.

Regardless of differences in lifestyle, however, the obligation of a clan chief to provide for and to protect his clan was vital in Highland society where economic resources were under increasing strain. In terms of the geology and environment of the Highlands, living off the land was difficult. Much of the upland Highland region consisted of land that could not be cultivated or, at best, was marginally fertile and there is little evidence to suggest that intensive farming practices were in use in the Highlands as they were on Lowland estates. Economic survival inextricably bound both chief and clan members to the land they lived on and which was their main resource. But land was finite and the demand for it never ceased with increased competition for additional territory as resources remained scarce. The burgeoning population density of the late fifteenth and sixteenth century may not have affected the Highlands quite as much as the rest of Scottish society, but as farming operated on a subsistence level, any increase would off-set the delicate balance of supply and demand. Feuding provided a natural check to population pressure, but the inability to intensify farming practices in the region meant there had to be other strategies to cope with demographic growth. One avenue was banditry and there is sufficient evidence to point to the occurrence of cattle-thieving in the region, simply because it

“Manus ‘The Magnificent’: O’Donnell as Renaissance Prince” in A. Cosgrove & D. McCartney (eds.), *Studies in Irish History presented to R. Dudley Edwards* (Dublin, 1979), 18.

⁴⁸ B. Bradshaw, “Manus ‘The Magnificent’”, 18–23. However, Mark Hall has argued, based on the material culture of medieval Perth, this was not the case for Scotland. Trade links did not necessarily follow established ecclesiastical connections (cf. M. Hall, “Margin and Middle: Exploring the Medieval Material Culture of Perth and Perthshire in a European Context”, unpublished paper delivered to St Andrews Scottish History Seminar, March 2004).

was easier to transport large quantities of livestock than grain through difficult terrain, but the use of caterans by Highland and Lowland lords to deal with this problem further contributed to the lack of law and order. Although government legislation of the later sixteenth century was a determined effort to minimise this activity, in the central and eastern Highlands there was not the ready access to seasonal migration to Ireland for employment there that there was in the west Highlands. Consequently, out-migration from the Highlands was the only viable option and resulted in the movement of Gaels into Lowland towns increasing trading connections between west and east.⁴⁹ Despite this migration to urban centres, Robert Dodgshon has argued that the geographic extent of settlement in the Highlands during the late medieval and early modern period highlights the extent to which communities were self-sufficient.⁵⁰ But in order to secure such self-sufficiency clans had to expand territorially and in this process of land acquisition it was the smaller, more vulnerable kindreds who lost out, swelling the number of landless men.

As the main economic resource land was crucial. In socio-economic, political and military terms, a chief's ability to maintain superiority over his lands and secure their succession through the chiefly line offered stability for the clan as a whole. While the fundamental socio-economic causes of unrest in the Highlands have been overlooked for too long, disputes associated with land stemmed from issues of property and possession. Tenurial superiority did not mean possession and while efforts of chiefs to align the *duthchas* with the *oighreach* often caused unrest, elaborate networks of allies were established to protect and defend land from attack. Thus, socio-economic issues were inextricably linked with political and military factors and while the Highlands maintained its reputation for lawlessness, significant efforts were made to prevent disorder and unrest.

⁴⁹ Burgh records show evidence of this through surnames, see M. MacGregor, "The View from Fortingall", unpublished paper presented to *The Scottish Medievalists*, January 2005. Some, however, found alternative employment. In 1600 Donald, son of Lauchlan, Mackintosh of Dunachton, sixteenth chief, was denounced a rebel for stealing a ship. His accomplice in this was Huchon McGillaspeck, a close relative of MacDonald of Sleat, a family for whom piracy was an on-going occupation (cf. *RPCS*, vi, 169; *Collectanea de Rebus Albanicis* (eds.) D. Gregory & W.F. Skene (Edinburgh, 1847), 104–5; A. Cathcart, "Crisis of Identity? Clan Chattan's response to government policy in the Scottish Highlands, c. 1580–1609" in S. Murdoch & A. Mackillop (eds.), *Fighting for Identity*, 178).

⁵⁰ R.A. Dodgshon, *From Chiefs to Landlords*, 12.

*'Inalienable' possessions*⁵¹

One of the main problems facing clan chiefs in the Highlands was the discrepancy between the *duthchas* and the *oighreach*.⁵² The *duthchas* were the lands a clan perceived as their collective heritage and had been possessed by it for centuries. As in many other cases across Scotland, a particular family established a relationship with a particular region through patterns of settlement that continued and survived regardless of legal tenure.⁵³ In contrast the *oighreach* were the lands for which the chief held legal tenure and for which, in the eyes of the crown, he was perceived to be the sole owner. Alignment of the *duthchas* and *oighreach* provided stability, but in many cases this was not achieved. While for some clans, the chief's *oighreach* extended well beyond the *duthchas*, for others a more complex situation arose. Claims to the *duthchas* could be based purely on possession and although regarded as part of a clan's core estate another chief may have had the tenurial superiority of the lands.

In some instances 'feudal conveyancing', which had undermined the claims of some chiefs to traditional clan territory, resulted in protracted and acrimonious disputes. This is evident in the ongoing feud between the Mackintoshes and Clan Chattan and the Clan Cameron regarding the lands of Glenlui and Locharkaig in Lochaber. The origins of the dispute between these two clans is somewhat unclear although it is said to have begun during the time of Angus Mackintosh, sixth chief, in the last years of the thirteenth century and concerned rights to the lands of Glenlui and Locharkaig in Lochaber. Mackintosh genealogies assert that Angus acquired the right to these lands, along with the chiefship of the Clan Chattan, through his marriage to Eva, only daughter and heiress of the chief of Clan Chattan. Following

⁵¹ A.B. Weiner, *Inalienable Possessions. The Paradox of Keeping-while-Giving* (California, 1992).

⁵² A.I. Macinnes, *Clanship, Commerce and the House of Stuart, 1603–1788*, 5–6; A. Mackillop, 'Clans of the Highlands and Islands', 95.

⁵³ See examples of Lennox and Glencarnie. M. Brown, "Earldom and kindred: the Lennox and its earls, 1200–1458" in S. Boardman & A. Ross (eds.), *The Exercise of Power in Medieval Scotland*, 201–224; A. Ross, "The lords and lordship of Glencarnie" in S. Boardman & A. Ross, *The Exercise of Power in Medieval Scotland*, 159–174. The ongoing claims of the MacDonald kindred to various parts of the western isles, notably the MacDonalds of Dunivaig (and the Glens) and the MacDonnells who maintained their claims to Islay into the seventeenth century, also emphasises the continuity of association of a clan with certain lands.

Eva's death, the lands passed to William, son of Angus and Eva, who "acquired the right to the Barony of Glenlui and Locharkaig, from the Lord of the Isles" in 1336,⁵⁴ and later received confirmation from David II in 1359.⁵⁵ Despite having title to these lands, neither Angus nor William settled there. Angus is believed to have lived in Rothiemurchus and later at Benchar in Badenoch while William lived at Petty, although apparently was buried at Locharkaig.⁵⁶ Acquiring legal title to Glenlui and Locharkaig did little to diminish the claims of possession put forward by the Clan Cameron and resulted in a feud between the two clans that lasted for centuries.⁵⁷

The Kinrara manuscript history of the Mackintoshes is full of accounts of the prosecution of this feud by both clans. William Mackintosh, seventh chief, is said to have "fought continually against the Camerons" and having killed many of that clan at the battle "in

⁵⁴ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 166–73. It is possible that Angus did receive title to the lands. He is said to have accompanied Thomas Randolph at the battle of Bannockburn, on account of owing military service to his tenurial superior. Randolph had received the earldom of Moray in 1312 which incorporated lands in Badenoch, Kincardine and Lochaber, including Locharkaig (cf. *Regesta Regum Scottorum V* (ed.) A.A.M. Duncan (Edinburgh, 1988), no. 389). However, as the lands passed to William during Angus' lifetime, it would appear they were not resigned to Angus, but that he had a right to them through marriage. William received confirmation of his title to the lands after John, Lord of the Isles, received a grant of Lochaber from Edward Balliol in 1336 (cf. *Calendar of Documents relating to Scotland* (ed.) J. Bain (Edinburgh, 1881–1888), iii, no. 1182; *Acts of the Lords of the Isles*, nos. 1–2).

⁵⁵ John, Lord of the Isles, received crown confirmation of his right to Lochaber from David II in 1343 (cf. *RMS*, i, Appendix ii, no. 859; *Acts of the Lords of the Isles*, iiix) and from Robert II in 1375–6 (cf. *RMS*, I, nos. 567–9; *Acts of the Lords of the Isles*, xxxi). William is said to have received confirmation from David II in 1359 (cf. *Acts of the Lords of the Isles*, no. 4) but this is based on the assertion of Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 172. Neither charter from John, Lord of the Isles, or David II confirming William in the lands of Glenlui and Locharkaig now exist and doubts were raised regarding their authenticity (cf. *Memoirs of Sir Ewen Cameron of Locheil, chief of the Clan Cameron with an introductory account of the history and antiquities of that family and of the neighbouring clans* (ed.) J. MacKnight (Edinburgh, 1842), 8–10).

⁵⁶ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 173.

⁵⁷ Different theories have been put forward to explain the origins of this feud. A. Mackenzie, *The History of the Camerons with genealogies of the principal families of the name* (Inverness, 1881), 3–7; Gregory, *History of the Western Highlands and Isles*, 77 both refer to John Mair's assertion that the Clan Cameron and the Clan Chattan "were of one blood . . . following one head of their race". This also was the view of W.F. Skene, *Highlanders of Scotland*, (2nd edn, Stirling, 1902), ii, 288–9, who related this to a time when they were one tribe and inhabited lands in Lochaber, notably Glenlui and Locharkaig. According to Skene the Mackintoshes became chiefs of the Clan Chattan following the clan battle at Perth of 1396 and Mackenzie likewise

the hill of Drumgli” he “drove the residue of them into exile”.⁵⁸ During the chiefship of Lauchlan Mackintosh, eighth chief, the Mackintoshes and Clan Chattan and the Clan Cameron met at Invernahavon where the Camerons fared slightly better.⁵⁹ In 1441 a number of sons of Malcolm Mackintosh, tenth chief, were involved in a raid against the Camerons at Craig Callioch while during the guardianship of William Mackintosh, later thirteenth chief, in 1496 the Camerons retaliated by stealing cattle from the Mackintoshes.⁶⁰ This pattern of sporadic bursts of unrest, interspersed with attempts to resolve the feud continued although unrest ebbed during periods when the position of the Mackintosh chiefs was reinforced. The grant to Malcolm Mackintosh, tenth chief, in 1443 of the bailiary of the lordship of Lochaber from the MacDonald Lord of the Isles and subsequent crown confirmation of this office, along with the lands of Moy and Keppoch in 1476 brought some degree of pacification to relations between the clans.⁶¹ Ultimately, however, the Camerons refused to acknowledge Mackintosh superiority and continually withheld

suggests that the battle at Perth centred on conflicting claims to these lands. Indeed, it has been suggested that the clan split following the battle at Perth in 1396 (cf. Mackintosh of Kinrara, ‘Origin and Increase of the Mackintoshes’, 176–80; R. Nicholson, *Scotland; the later middle ages* (Edinburgh, 1974), 208; J.H. Burton, *The Scot Abroad* (London, 1883), 90–1; A.M. Shaw, *The Clan Battle at Perth 1396* (Wimbledon, 1874); A.F. Mackintosh, ‘The Clan Battle on the North Inch of Perth, 1396’, *Journal of the Clan Chattan Association*, ii, no. 2 (1947), 70–4). However, W.F. Skene, *Celtic Scotland: a history of ancient Alban* (Edinburgh, 1890), iii, 315 asserts that Duncan, second Lord of the Isles, put Duncan Mackintosh in charge of the Clan Chattan that adhered to him in 1400, he being the first to take the title “captain of Clan Chattan”. It is true that Duncan adopted this title, but the view that he was the first Mackintosh chief to do so is a reflection of the lack of sources for the earlier period. Skene also overlooks the fact that Duncan did not succeed to the chiefship until 1463. Interestingly, however, W. Matheson, “Traditions of the Mackenzies”, 210 suggests the Mackenzies split into two factions at the time of the Battle of Harlaw, 1411. One supported the king and the other supported the Lord of the Isles. Nonetheless, the feud appears to have intensified during the chiefship of William Mackintosh, seventh chief, suggesting that while he had tenurial rights, the Camerons claimed possession (cf. A. & A. MacDonald, *Clan Donald* (Inverness, 1900–04), ii, 617–20; R.W. Munro, “The Clan System—Fact or Fiction” in L. Maclean (ed.), *The Making of the Highlands in the Middle Ages* (Inverness, 1981), 124).

⁵⁸ Mackintosh of Kinrara, ‘Origin and Increase of the Mackintoshes’, 172.

⁵⁹ Mackintosh of Kinrara, ‘Origin and Increase of the Mackintoshes’, 176. It was also during the time of Lauchlan that the Clan Battle of Perth took place in 1396 which may have involved the Clan Chattan and the Clan Cameron although numerous theories have been put forward regarding this incident.

⁶⁰ Mackintosh of Kinrara, ‘Origin and Increase of the Mackintoshes’, 197, 201, 206.

⁶¹ Paton, *Mackintosh Muniments*, no. 3; *RMS*, ii, nos. 1243, 2191.

rents, resisting efforts of the Mackintoshes and Clan Chattan to gain full possession of the lands despite numerous confirmations from the crown that the Mackintosh chiefs had legal title to the land. The arrest of Ewen Allanson, chief of the Camerons, along with Ranald MacDonald, chief of the Clanranald, in 1547 by William Mackintosh of Dunachton, fifteenth chief, in his capacity as deputy-lieutenant of George Gordon, fourth earl of Huntly, and the subsequent execution of the two men brought only a temporary respite while in the longer term it increased hostility towards the Mackintoshes on the part of the Camerons.⁶²

All attempts to end the feud were doomed unless the issue of ownership and possession of Glenlui and Locharkaig was resolved. The lands are specifically mentioned in the 1505 charter whereby Ferquhard Mackintosh, twelfth chief, made provision for the continuation of the chiefship and clan estate by conferring it to his cousin, William, later thirteenth chief. This suggests the Mackintoshes and Clan Chattan considered the lands an integral part of the clan estate.⁶³ At the same time the Camerons maintained their customary claims to the lands and their actual possession and settlement in the region ensured continuation of the feud. Marital kinship and clientage were employed in efforts to end the conflict. An agreement reached in 1557/8 between the two clans was temporary as in 1567 Lauchlan Mackintosh of Dunachton, sixteenth chief, and John Grant, fourth of Freuchy received letters from Regent Moray to go after the Clanranald and the Clan Cameron.⁶⁴ A similar commission was received from James VI in 1588 while the widespread upheaval of 1590 to 1592 did little to resolve local disputes.⁶⁵ Some measure of agreement, however, was achieved in 1598 after the matter was submitted to arbitration. It was agreed that Mackintosh of Dunachton would wadest half of Glenlui and Locharkaig to Allan Cameron, chief of the Camerons, for 6000 merks with a lease of nineteen years. The other half was to be granted in feu to Cameron in return for service. Mackintosh would give Cameron a bond of maintenance and promised to give his son as a hostage by way of assurance of the safe return of the

⁶² Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 226.

⁶³ Paton, *Mackintosh Muniments*, no. 22.

⁶⁴ NAS GD 128/31/2/10; Paton, *Mackintosh Muniments*, no. 74; Fraser, *Chiefs of Grant*, iii, no. 129.

⁶⁵ Fraser, *Chiefs of Grant*, iii, no. 153. See pp. 172-7, 192-5 below.

Cameron chief if required to provide service. Cameron would give Mackintosh a bond of service, excepting George Gordon, sixth earl of Huntly.⁶⁶ Although this looked promising as a lasting settlement, arbitration did not provide an effective resolution to the issue of property versus possession and the conflict continued throughout the later sixteenth and into the mid seventeenth century. Following the intervention of numerous external parties as well as advice from many of the key *fine* members of the Mackintoshes and Clan Chattan, in 1666 Lauchlan Mackintosh, twentieth chief, was persuaded to sell Glenlui and Locharkaig to the Camerons.⁶⁷

Both the Mackintoshes and Clan Chattan and the Clan Cameron had regarded the lands of Glenlui and Locharkaig as part of the collective clan heritage, the *duthchas*, and although the Mackintosh chiefs had tenurial superiority of the lands, this did little to alleviate the aggressive attempts of the Camerons to regain this territory. Successive Mackintosh chiefs readily dismissed Cameron claims because it suited them to do so, although during the later sixteenth century there were more concerted efforts to produce a lasting resolution. The actions of Lauchlan Mackintosh of Dunachton during this time

⁶⁶ NAS GD 128/31/2/38–40; GD 176/187. In this bond a clause was added stating that “in case of variance between Huntly and M’Intosche, the latter is to be preferred”. See p. 198 below.

⁶⁷ Mackintosh of Kinrara, ‘Origin and Increase of the Mackintoshes’, 326–74; A.M. Mackintosh, *The Mackintoshes and Clan Chattan* (Edinburgh, 1903), 241–68. A similar dispute had occurred between the Mackintoshes and the MacDonalds of Keppoch. Malcolm Mackintosh, tenth chief, received the lands of Glenroy and Glenspean in 1443 following the forfeiture of Alexander Carrach, fourth son of John MacDonald, first Lord of the Isles and his second wife Margaret Stewart, on account of his participation in the 1431 rebellion of Donald Balloch (cf. M. Brown, *James I* (Edinburgh, 1994), 99–105). Despite these lands passing to Mackintosh, and the subsequent grant to him of the bailiary of Lochaber (cf. NAS GD 128/21/1; Paton, *Mackintosh Muniments*, no. 2; Mackintosh of Kinrara, ‘Origin and Increase of the Mackintoshes’, 184–5; C. Fraser Mackintosh, *Antiquarian Notes: Historical, Genealogical and Social* (2nd series, Inverness, 1897), 160; A. & A. MacDonald, *Clan Donald*, i, 197, 535) the MacDonalds of Keppoch continued to live in Brae Lochaber and refused to recognise Mackintosh superiority or pay rents. Despite orders from the Privy Council to remove from the lands, and a commission issued to Alexander, third earl of Huntly, to expel them, the MacDonalds of Keppoch continued to feud with the Mackintoshes. Like the feud with the Camerons, this dispute expressed itself through intermittent unrest. In 1569 Mackintosh of Dunachton, sixteenth chief, made an obligation in front of Regent Moray, to Ranald MacDonald of Keppoch in an attempt to end the feud and received manrent from MacDonald a few years later in 1572 (cf. *RPCS*, i, 672; Mackintosh of Kinrara, ‘Origin and Increase of the Mackintoshes’, 240). Later, in 1588 Mackintosh received manrent from Alexander

were shaped to some degree by his own attempts to regain title for the lands of Rothiemurchus which had formed part of the core clan estate of the Mackintoshes and Clan Chattan but had been alienated from the clan during the fifteenth and early sixteenth centuries. According to Mackintosh genealogies, Shaw Mackintosh, fourth chief, had first gained possession of Rothiemurchus in 1236 from Andrew, Bishop of Moray.⁶⁸ In 1396 Lauchlan Mackintosh, eighth chief, granted to Shaw Mackintosh, his close kinsman and progenitor of the cadet branch known as the Shaws, the lands of Rothiemurchus. This came after the clan battle at Perth in 1396 in which Shaw had led the Clan Chattan to a military victory because the chief was too old to do so himself. At times a chief could lease part of the *oighreach* to a cadet branch, satellite or client kindred thereby reinforcing the clan or client relationship with tenurial superiority. It was unusual, however, for a chief to dispoise part of the *duthchas*, the collective core estate, to a cadet branch because of the symbolic significance these lands held for the clan and the chief. The core estate was 'inalienable', to be maintained at all costs.⁶⁹ Nonetheless,

MacDonald of Keppoch (cf. Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 244). Despite these efforts the Keppoch branch of the MacDonalds claimed 'they had the right, not merely of prescriptive, but of immemorial occupation' and it was not until 1700 that agreement was reached between the two clans, a reconciliation brought about by the influence of the kin of both chiefs. Coll MacDonald gave the Mackintosh chief a 'deed of transfer' of the lands of Brae Lochaber and Mackintosh leased them back at an acceptable level of rent. The inclusion of the phrase 'simul et semel' was said to be significant (cf. D.N. Mackay, *Clan Warfare in the Scottish Highlands* (Paisley, 1922), 249–66; A. & A. MacDonald, *Clan Donald*, ii, 608–56).

⁶⁸ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 163–4.

⁶⁹ A.B. Weiner, *Inalienable Possessions*, 131–48. With regard to Highland society the term 'inalienable' has also been used to refer to core kindred lands. R.W. Munro, "Clan System—Fact or Fiction" in L. Maclean (ed.), *The Making of the Middle Ages in the Highlands* (Inverness, 1981), 123 quotes from the *Report of HM Commissioners in Inquiry into the Conditions of the Crofters and Cottars in the Highlands and Islands of Scotland* (1884), i, 4, 8, 110. It stated that the "opinion was often expressed before us that the small tenantry of the Highlands have an inherited *inalienable* title to security of tenure in their possessions while rent and service are duly rendered—an impression indigenous to the country though it has never been sanctioned by legal recognition" (my italics). Munro argues that this custom is likely to have stemmed from an era which pre-dated the 'clan system'. Although this equates with 'kindly tenancy' it refers to the traditional claims to land which a kindred had become intimately associated with. More recently S. Boardman, "The Campbells and charter lordship in medieval Argyll", 98–9 argues that the Campbells' use of charters "preserved the overall cohesion and integrity of the wider lordship of which they were a part by creating an *inalienable* territorial core" (my italics).

Rothiemurchus passed to the cadet branch, the Shaws, to be held in "free possession".⁷⁰

This customary arrangement continued during the fifteenth century although in the 1460s tension arose over this part of the core clan estate.⁷¹ On 24 September 1464 Alexander Shaw, said to be great-grandson of Shaw Mackintosh, received the feu of Rothiemurchus from David Stewart, Bishop of Moray.⁷² Although the Shaws had maintained possession of these lands since the late fourteenth century, the then chief, Duncan Mackintosh, was not prepared to allow these lands to be alienated from the rest of the core clan estate. Consequently Duncan appealed directly to the crown and on 18 July 1475 received sasine of Rothiemurchus.⁷³ This action of the chief against the head of one of the main cadet branches of the clan appears to have resulted in a serious dispute between the two men and external intervention was needed to help resolve the matter. In this instance the earlier tenurial rights of the Mackintosh chiefs were not enough to produce an outcome in Duncan Mackintosh's favour. Consequently, on 10 October 1476 an agreement was agreed whereby Duncan, his brother Lauchlan, and their heirs "renounced all right, claim of right, property and possession" which they and their predecessors may have had to the lands, castle and woods of Rothiemurchus in favour of Alexander Shaw and his heirs. In return, Alexander promised on behalf of himself and his heirs to "render faithful service and homage for ever to the said Duncan and his heirs" excepting homage and service to the king, the superior of the lands of Rothiemurchus, and George Gordon, second earl of Huntly.⁷⁴

⁷⁰ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 178 states that "Shaw . . . received possession of the lands of Rothemurchus freely from Lauchlan". This was on account of Shaw leading the Clan Chattan in the clan battle at Perth in 1396. Lauchlan was unable to do this himself because of his old age but following the victory the clan "bound themselves and their posterity" to their chief. Nonetheless, in the light of Shaw's recent actions as military leader of the Clan Chattan, the Mackintosh chief may have felt it fitting to grant part of the *duthchas* as reward, although this is purely speculative.

⁷¹ See pp. 122–3 above.

⁷² *Registrum Episcopatus Moraviensis: e pluribus codicibus consarcinatum circa A.D. MCCCC, cum continuatione diplomatum recentiorum usque ad AD MDCXXIII* (ed.) C. Innes (Edinburgh, 1837), no. 448.

⁷³ Paton, *Mackintosh Muniments*, no. 10. The document states that "David [Stewart], Bishop of Moray . . . has been required by letters from the King under the quarter seal to give sasine to Duncan M'Kyntoishie in the lands of Rathamurchus and their pertinents . . .".

⁷⁴ Fraser, *Chiefs of Grant*, iii, no. 283.

Clearly the Mackintosh chief and his brother had been guilty of some forceful action against Shaw as they were bound by a fine of £1000 Scots if they harassed Shaw in the future. Despite his best efforts Mackintosh had been compelled to relinquish his rights to part of the core clan estate. Although clan unity had been maintained, Mackintosh may have found some consolation in the fact that Rothiemurchus was now held by a cadet branch. Unfortunately this would not continue.

In the early sixteenth century, financial difficulties resulted in the sale of Rothiemurchus to George Gordon, then Lord Badenoch and future fourth earl of Huntly.⁷⁵ The Dallases of Cantray held the lands for some time in the mid sixteenth century and in 1545 James Grant, third of Freuchy, entered into a contract with Alexander Dallas by which Grant would receive Rothiemurchus in return for the barony of Nairn which would pass to Dallas.⁷⁶ Unfortunately this agreement fell through but in 1566 John Grant, fourth of Freuchy, purchased Rothiemurchus from George Gordon, fifth earl of Huntly, along with the “loch, manor place . . . mill and salmon fishings thereof”.⁷⁷ Thus, by the mid sixteenth century Rothiemurchus had become the property of the Grants of Freuchy although possession of the land would continue to be obstructed by the Shaws until the 1580s. Regardless of ties of marital kinship and political co-operation that existed between the two clans, Mackintosh re-asserted his clan’s claims to the lands, an issue that would cause friction for much of the remainder of the century. These claims by Mackintosh were unwelcome and certainly not entertained by the Grants, although a dispute over Rothiemurchus would not be beneficial for either party as they were close neighbours and had many allies in common nor would it ensure stability in the locality. To preserve the peace between them which would be “maist commodious for the commoun welth of baytht thair cuntreis” Lauchlan Mackintosh of Dunachton, sixteenth chief, had taken the advice of his “kin and freyndis” and in 1568 drew up a memorandum for John Grant, fourth of Freuchy.⁷⁸

Mackintosh expressed his intention to “intertaine . . . frendship and familiaritie”, emphasised kinship between the two men and

⁷⁵ *Registrum Episcopatus Moraviensis*, no. 449; T.C. Smout, *Rothiemurchus: nature and people on a Highland estate, 1500–2000* (Dalkeith, 1999), 14.

⁷⁶ Fraser, *Chiefs of Grant*, iii, nos. 93, 98.

⁷⁷ Fraser, *Chiefs of Grant*, iii, nos. 306–7.

⁷⁸ Fraser, *Chiefs of Grant*, iii, no. 247. See pp. 107–8 above.

suggested various marriages to be contracted between the two families. He proposed that his second son, William, and his grandson Lauchlan, should be married to daughters of Grant of Freuchy. As he wanted “erneastle to retene the auld and renew the new” he promised to provide a tocher for the marriage already contracted between his sister, Margaret, and Duncan, eldest son and heir of Grant, an alliance which Mackintosh appears not to have approved of initially for he said that his “advyse was nocht thairto for other resonable caussis”. With the creation of these bonds of marital kinship, Mackintosh sought to “band with the . . . Laird of Grant as brother and maist speciale nyctbour”. The final clause of this memorandum turned to the issue of land. Mackintosh asserted that for the “perpetuities of frendship, allia, and bluid” between the two clans to continue Grant should return Mackintosh’s “awin natywe cuntretht of Rothiemurchus for sic sowmis of money as he gaif for the samen” or whatever amount they could agree on. He reiterated the benefits that would accrue to both families through the restoration of stability in the region and argued that through their renewed cooperation they would be more able to defend themselves against common enemies, a persuasive point given the recent outbreak of the Marian civil wars. In arguing for the return of Rothiemurchus Mackintosh emphasised the traditional claims and connections between his clan and the land and asserted it was “nocht onknawin to the Laird and his wyse consale . . . that it is my maist natywe cuntretht”. Regardless of these pleas by the Mackintosh chief for restoration of Rothiemurchus as part of his core estate, Grant refused to relinquish tenurial superiority and conflict continued between the two houses. Rothiemurchus was Grant property and considering the continued wasting and harrying of Urquhart and Glenmoriston the economic benefits of maintaining it within the Grant estate were of greater significance. Rights to this land and its pertinents included a loch, forest, mill, manor house, tower and, more importantly, fishing on the river Spey all of which no doubt supplemented the economic resources of both the Grant chief and the clan.⁷⁹

The proposed marriage between Lauchlan, grandson of the Mackintosh chief, and a daughter of Grant of Freuchy, went ahead,

⁷⁹ For the importance of fishing rights within the Highlands see A. MacCoinnich, “His spirit was given only to warre”, 133–61.

reinforcing the ties of marital kinship but the Grant chief continued to ignore Mackintosh's claims to Rothiemurchus.⁸⁰ Nonetheless, ongoing hostility between the two chiefs heightened Grant's sense of vulnerability regarding protection of his estate from attack despite gaining confirmation of his legal title to the lands.⁸¹ In 1571 Grant contracted an alliance with Angus MacDonald of Glengarry for defence of the lands of Urquhart and Glenmoriston and the following year took additional defensive measures against Mackintosh.⁸² In 1572 Grant contracted a series of bonds with Colin Mackenzie, eleventh of Kintail.⁸³ In one bond concerning the lands of Lochbroom, Colin Mackenzie "for luff and fawour and kyndness" between the Mackenzies and Grants made "ane freyndlie and ane equall band, euere ane til wder, against Lauchlan M'Intosche of Dunnachtan and all wderis mortall".⁸⁴ In a mutual bond of friendship Mackenzie further promised to assist Grant against all parties, although an additional clause made 'special' mention of Mackenzie's obligation

⁸⁰ William married a daughter of Innes of Invermarkie while Lauchlan, who succeeded to the chiefship after his grandfather, married Anne, grand-daughter of John Grant, fourth of Freuchy.

⁸¹ Fraser, *Chiefs of Grant*, iii, nos. 306–8. In 1567 George, fifth earl of Huntly, reached agreement with John Grant of Freuchy, confirmed by Patrick, Bishop of Moray, tenurial superior in which Grant received feu tenure of the lands.

⁸² Fraser, *Chiefs of Grant*, iii, no. 140. This bond has been discussed at length previously in relation to the creation of clientage (see pp. 123–5 above) and in relation to the economic obligations involved (see pp. 139–40 above). Here it is placed within the wider network of alliances created by the Grants of Freuchy.

⁸³ Fraser, *Chiefs of Grant*, iii, nos. 141–3. These bonds crossed the kinship ties that existed as a result of Mackintosh's marriage to the daughter of Kenneth Mackenzie of Kintail. But the bonds also highlight how alliances were forged within the locality regardless of divisions caused by the civil wars. In a bond concerning the lands of Lochbroom Mackenzie promised to join with Grant against Mackintosh and excepted his loyalty to both the earl of Ross and the king. In contrast, Grant excepted his loyalty to the earl of Huntly and the "authoritie". However, in the mutual bond of friendship contracted between the two men, both made reference to the 'authoritie' and their respective regional lords. The term 'authority' was more widely used in later bonds of the sixteenth century, although at this time of political upheaval it was suitably ambiguous. Indeed if Grant was attempting to remain loyal to his superior, in 1572 it was difficult to ascertain exactly where Huntly's stood. For a brief period in the early years of 1572 Argyll had persuaded Huntly to join him and Moray in support of the king, but by April of that year he had returned to his traditional position of support for Mary (cf. *CSP Scotland*, iv, 231; J.E.A. Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots*, 188–9).

⁸⁴ Fraser, *Chiefs of Grant*, iii, no. 141. Mackenzie excepted allegiance to the king and the earl of Ross although it is unclear who exactly Mackenzie was referring to here. See also pp. 120–1 above.

to “concur and tak afald and plane part” with Grant in “resisting or requiting and reuenging” any action taken by Mackintosh of Dunachton, his kin, friends and assistants against John Grant. On his part Grant made similar obligations and “in speciall” promised to assist Mackenzie in “resisting or requiting” any action taken against him or his lands by Hugh Fraser of Lovat.⁸⁵

Grant had gained allies and a degree of security, but he was also benefiting from the support of George, fifth earl of Huntly. The relationship between Grant and Huntly was much stronger than simply institutional or personal lordship for the two men were bound by ties of fictive kinship. Huntly wrote to Grant in 1573 regarding the matter of Rothiemurchus and informing him of recent progress. He added that if any further information came to light, he would let Grant know, signing off with the phrase “your hartlie gossepe at power”.⁸⁶ Huntly was trying to manipulate events to secure Grant’s possession of Rothiemurchus and Grant was not afraid of using his connection with the earl to advance his cause. Eventually the matter was submitted to arbitration and both sides agreed to abide by the final decision of external observers, emphasising the importance of

⁸⁵ Fraser, *Chiefs of Grant*, iii, no. 143. Again Mackenzie excepted allegiance to “the authoritie and erlis of Ros” while Grant excepted the “authoritie and erlis of Huntly”. During the sixteenth century the Mackenzies of Kintail were feuding with the Mackenzies of Gairloch who challenged the right of the Kintail branch to the chiefship of the Mackenzies. In seeking allies, the Gairloch branch moved towards the Frasers of Lovat. Although by the later sixteenth century the relationship between the two kindreds was less bitter and no longer murderous, as evidenced by mutual co-operation against MacDonald of Sleat in 1569–70 (cf. *RPCS*, ii, 9–11) and Kintail’s protection of Gairloch in 1587 (cf. *RPCS*, iv, 108, 214, 259), it was still distrustful. Thus, in this bond Mackenzie of Kintail sought political and military assistance from Grant against the Frasers in an attempt to limit their action with the Mackenzies of Gairloch. I am indebted to Aonghas MacCoinnich for these references and discussing the Kintail-Gairloch dispute with me. For fuller discussion of these points see A. MacCoinnich, “Tùs gu Iarlachd: Eachdraidh Clann Choinnich, c. 1466–1638” (University of Aberdeen, unpublished Ph.D. thesis, 2004).

⁸⁶ Fraser, *Chiefs of Grant*, ii, no. 67; J. Dawson, “‘There is nothing like a good gossip’: baptism, kinship and alliance in early modern Scotland”, *Review of Scottish Culture*, 15 (2003), 88–95. That the earl was gossip to Grant may appear strange, but it was one of a number of close relations he had with local kindreds and indicates his awareness of the need for them in strengthening Gordon lordship in the central and eastern Highlands. Like his father, the fourth earl, he recognised the importance of co-operation with local figures and sought to reinforce political and personal lordship with personal bonds (cf. *Miscellany of the Spalding Club*, iv, 212–3). Again my thanks to Aonghas MacCoinnich for discussing this with me.

this method of feud resolution.⁸⁷ The final outcome found in favour of John Grant who had held legal right to the lands since the mid sixteenth century in contrast to the claims of Mackintosh chiefs which, since the mid fifteenth century, had no legal basis whatsoever. Agreement was reached between the two men, dated 14 June 1586. Mackintosh acknowledged the decreet-arbitral had decided that he had

no sufficient rycht, tytle, kyndnes nor possessione, in or to the landis and baronye of Rothiemwrquhus, with the tware, fortalice, milnis, woodis, fischingis, partis, pendiculis and pertinentis

and promised that he, his clan and dependants would “desist and ces fray all molesting and trwbling” of the Grants. An exchange of bonds followed whereby each bound themselves, kin and dependants to assist the other against specified enemies in the eventuality of an attack, thus redrawing the lines of co-operation and obligation that had existed previously between the two families.⁸⁸

The Mackintosh claims to Rothiemurchus had been based on traditional possession and pursued due to the integral importance of the land as part of the core clan estate. The repeated claims of Mackintosh had no legal basis and only through a process of arbitration had the chief finally accepted Grant’s right to Rothiemurchus and relinquished his own.⁸⁹ Acknowledging the loss of part of the

⁸⁷ The arbiters chosen by John Grant of Freuchy were John Campbell of Cawdor, Alexander Bane of Tulloch, Robert Leslie of ‘Dwghlie’, George Leslie of Akinway, Patrick Grant of Ballindalloch, John Fobers of ‘Poflarg’ and William Grant of ‘Twllyboo’. Those chosen by Lauchlan Mackintosh were Alexander Dunbar, dean of Moray, Sir Patrick Gordon of Auchindun, Hucheson Rose of Kilravock, Robert Munro of Fowlis, John Ross of Balivat and Angus Williamson of Termitt. Sir George Ogilvy of Dunlugus was overseer of the process.

⁸⁸ Fraser, *Chiefs of Grant*, iii, no. 150. Mackintosh promised to assist Grant in defending Urquhart and Glenmoriston from attack by the Clan Cameron and Clanranald, help protect Grant’s tenants in the sheriffdoms of Inverness, Elgin and Forres, and help Grant gain possession of lands possessed by the Clanranald. In return Grant infeft Mackintosh in lands in Lochalsh and granted him the constabulary of Strome castle, formerly held by the Camerons. This would bolster Mackintosh in his dispute with the Camerons and Grant also promised to help Mackintosh gain possession of lands in Lochaber against the Clan Cameron. In this bond Grant excepted allegiance to the earl of Huntly but Mackintosh did not.

⁸⁹ In acknowledgement that his claims had some validity, and in line with the process of arbitration which sought reparation, Mackintosh was granted heritable infeftment and sasine of lands in the sheriffdom of Inverness including Lochalsh, the castle and constabulary of Strome which pertained to the late Ewen McConill, heir to the chief of the Camerons, and which Grant had acquired although they would be held from the king.

clan's "inalienable possessions" involved a loss of pride and prestige for Mackintosh who had failed to preserve the collective heritage of the clan. The extent to which the intervention of George, fifth earl of Huntly, helped resolve the dispute in favour of Grant is unclear but this was not the only instance of these regional lords involving themselves in local issues. Indeed, the lordship of the Gordon earls of Huntly had advantages and disadvantages for both clans. Successive chiefs of Grant and Mackintosh were clients of the earls, repeatedly giving manrent in return for protection and justice. Closer examination of these relationships highlights the extent to which regional lordship affected clan cohesion and how regional lordship and local politics impacted on one another.

CHAPTER FIVE

REGIONAL LORDSHIP: THE CENTRAL AND EASTERN HIGHLANDS

In the same way as clan members looked to their chiefs for protection and provision of land, clan chiefs looked to major landowners to offer effective lordship and maintain some degree of stability in their locality. Regional lords, therefore, were a crucial layer in Scottish society and their function was very much two-way. As crown agents they implemented legislation, executed commissions and administered justice while at a local level they provided lordship and maintained stability, acting as a vital link between central government and key local figures. This examination of clanship in the central and eastern Highlands has focused on the Mackintoshes and Clan Chattan and the Grants, two clans that were dependants of the Gordon earls of Huntly, the most powerful magnate family in the north of Scotland. The rise to power of the Gordons in the later fifteenth and early sixteenth centuries and expansion of their influence across the north of Scotland and into the northern isles was facilitated by the demise of MacDonald influence in the west.¹ It was an aggressive and dramatic aggrandisement of territorial and political power, possible because of their effectiveness as instigators of crown policy in the Highlands. Their pre-eminence in national politics was a direct result of their ability to maintain stability, law and order in the north of Scotland but in order to police the central Scotland region effectively the earls of Huntly needed to be able to command sufficient manpower. This was guaranteed by the vast network of personal and institutional lordship the earls constructed with local families in the central region, reinforced by a wide kin base of cadet branches of the Gordon family.

The relationship between the Gordons of Huntly and the Mackintoshes and Grants was established initially through land tenure

¹ Initially the crown was reluctant to promote the Gordons in the region, although it soon became their only option in response to the increasing unrest caused by the forfeitures of 1476 and 1493.

which established institutional lordship. However, the need to reinforce bonds of personal lordship was evident as this examination of regional lordship will highlight. The weakness of tenurial relationships in producing strong ties of loyalty led to the creation of bonds of political manrent and maintenance in Scotland throughout the fifteenth and sixteenth centuries.² It has been suggested recently that the extent to which bonds of lordship and service were separate from a tenurial relationship has been overstated although the common occurrence of bonds of manrent and maintenance exchanged between individuals connected through land tenure does convey the 'inadequacies' of the so-called 'feudal contract'.³ Examination of the exchange of bonds of manrent and maintenance between successive Mackintosh chiefs and earls of Huntly highlights that this was political bonding and had little to do with the so-called 'feudal contract'. Closer analysis of the relationship between clan chiefs like Mackintosh of Dunachton and Grant of Freuchy raises questions concerning the nature of lordship and, more specifically, Gordon lordship, in the north of Scotland and emphasises the fundamental role played by lesser figures like Mackintosh and Grant in regional political affairs.

The complex relationship between the Mackintoshes and Clan Chattan and the Grants with the earls of Huntly during this period highlights the difficulty of conflicting spheres of regional influence for both magnates and local figures. While the Gordons of Huntly dominated the political scene of the north of Scotland throughout the sixteenth century, this authority was not unchallenged. The Campbell earls of Argyll, the pre-eminent political force in the south and west Highlands, were something of a counter-balance to Gordon influence in the west Highlands and isles and on occasion acted as an effective alternative in the central region, more so following the Campbell acquisition of the lands of Cawdor.⁴ Understandably, Campbell intrusion was not welcomed by the Gordons who reacted quickly to any perceived threat to their position. Successive Stewart earls of Moray, however, posed the most immediate threat as their

² J. Wormald, *Lords and men in Scotland: Bonds of Manrent, 1442–1603* (Edinburgh, 1985), 8–11, 22–3, 26.

³ S. Boardman, "The Campbells and charter lordship in medieval Argyll" in S. Boardman & A. Ross (eds.), *The Exercise of Power in Medieval Scotland, c. 1200–1500* (Dublin, 2003), 112–3. Boardman puts across a compelling case for the need to examine the peculiarities of regional circumstances.

⁴ See pp. 105–6 above.

power base lay within Huntly's sphere of influence, challenging Gordon dominance in local, regional and national affairs in the 1530s, 1560s and 1590s.⁵ However, another potential obstacle to Gordon power was identified in the developing influence of clan chiefs in the central and eastern Highlands.

A close working relationship with the Mackintoshes and Clan Chattan was beneficial for the Gordons in the execution of administrative and judicial offices and in maintaining links with the main local families. But throughout the sixteenth century successive earls became increasingly wary of the clan's growing influence in the region. The Mackintosh chiefs commanded a large source of manpower in the Clan Chattan and the Gordons wanted to harness this for their own ends. The alliance of the Mackintosh chief with any other regional lord, such as the earls of Moray or the Campbells, would impact on Gordon dominance in the north and although Lauchlan Mackintosh of Dunachton, sixteenth chief, realised that Gordon lordship was not always beneficial, any attempt by the Mackintosh chiefs to find protection elsewhere would have severe repercussions for the clan as a whole because of the extent of Gordon influence. Successive earls of Huntly were aware that to maintain their dominant position in the north as crown agent, relations with the key local figures within the central region, like Mackintosh of Dunachton and Grant for Freuchy, for policing and administering justice were crucial. Whether these relationships were maintained through co-operation or coercion was of little importance to the earls of Huntly.

The relationship between the Mackintosh chiefs and the earls of Huntly was established initially in 1442 through tenurial superiority when Alexander, Lord Gordon, later first earl of Huntly, granted to Malcolm Mackintosh, tenth chief, the lands of Meikle Geddes and half of Rait, with the castle and pertinents.⁶ No doubt this was a calculated move on the part of Gordon who was seeking to expand his influence across central Scotland in the wake of the death of Alexander Stewart, earl of Mar, in 1435. However, Gordon had a number of rivals for influence in the region including Alexander,

⁵ RMS, ii, no. 2586; RSS, v, part i, no. 966; *The Book of the Thanes of Cawdor. A series of papers selected from the Charter Room at Cawdor 1236-1742* (ed.) C. Innes (Edinburgh, 1859), 123-4.

⁶ Paton, *Mackintosh Muniments*, no. 1.

earl of Ross and Lord of the Isles, James 'the Gross' Douglas, later seventh earl of Douglas, David Lindsay, third earl of Crawford, and Sir Robert Erskine. Despite the efforts of magnates like Douglas, Crawford and Ross to isolate the Gordons in the northeast, the crown bolstered the family by elevating Alexander, Lord Gordon, to a peerage in 1445.⁷ Gordon influence was reinforced a few years later in 1451 when the earl received the hereditary grant of the lordship of Badenoch. This expansion of Gordon influence westwards brought the earl into the sphere of influence of the MacDonald Lords of the Isles. For them, Gordon influence in the central Scotland region was unwelcome, clearly reflected in the revolt later that year by John MacDonald, earl of Ross and fourth Lord of the Isles.⁸ The tension between the two families, the Gordons and the MacDonalds, would only intensify as the Gordons expanded their influence across Scotland and into the northern isles.⁹

The hereditary grant of Badenoch to Huntly is significant. Prior to this the lordship had only been granted in liferent and suggests the crown saw a role for the Gordons in the central and eastern Highlands as a counter to the dominant influence of the MacDonalds and to maintain law and order in the region. Gordon expansion benefited from the already diminishing influence of the MacDonalds. By 1450 some of the principal clans and kindreds within Moray,

⁷ *APS*, ii, 59–60; W. Fraser (ed.), *The Douglas Book* (Edinburgh, 1879), iii, no. 413; *ER*, vi, 648; M. Brown, *The Black Douglasses. War and Lordship in Late Medieval Scotland 1300–1455* (East Linton, 1998), 268–71. The real agenda of Douglas was to extend influence in the north, primarily through the family's claims to the earldom of Moray. In 1445 the younger brothers of William, eighth earl of Douglas, were elevated to the earldoms of Moray and Ormond. However, these northern territories were of secondary importance to the Douglas heartland which lay in the south of Scotland and which would always take precedence over the situation in the north. The famous Douglas-Ross-Crawford band, combined with the agreement between Douglas and Robert Erskine, may have been an attempt to isolate Huntly in the region. I would like to thank Michael Brown for discussing with me at length the situation in the north of Scotland at this time.

⁸ A. Grant, 'The Revolt of the Lord of the isles and the Death of the Earl of Douglas, 1451–2', *SHR*, lx (1981) has argued that the rebellion occurred in 1452 but it is more likely that the rebellion came in the wake of the downfall of the Livingstone family and the grant to Gordon of Badenoch, thereby ensuring the island lord felt his position and influence to be under threat.

⁹ The Gordons were able to do this by carving out for themselves a career of service to the crown. Indeed, James IV relied heavily on the earls of Huntly and Argyll as crown agents in the Highlands in the wake of the island forfeiture and issued commissions of lieutenancy to both. Huntly was responsible for the northern isles and Argyll for the southern region (cf. *RSS*, ii, nos. 413, 513, 722, 723, 792).

such as the Frasers of Lovat, Grants of Freuchy, Comyns and Chisholms, had accepted Douglas lordship regardless of their previous allegiance to the MacDonald chief.¹⁰ This has been interpreted as an indication of the desire for the establishment of 'Lowland' lordship in central Scotland, but perhaps says a great deal more about the inability of John, fourth Lord of the Isles, to maintain effective lordship.¹¹ Nonetheless, the earl of Huntly was willing and able to capitalise on the situation in order to consolidate his position. In doing so he created and extended lordship, initially institutional lordship established through land tenure, reinforced by personal lordship, with local clans and kindreds. For clans like the Mackintoshes and Clan Chattan, the 1450s and 1460s was a period of uncertainty as the Gordons competed with MacDonald influence in central Scotland.

The relationship between the Mackintoshes and the Clan Donald, which has been emphasised by family historians is less clear cut during this time.¹² In 1447 Malcolm Mackintosh, tenth chief, had received from Alexander MacDonald, earl of Ross and third Lord of the Isles, then justiciar of Scotland north of the Forth, the bailiary of the lordship of Lochaber.¹³ In 1456, however, Malcolm Mackintosh was petitioning the earl of Ross for the lands he held in Lochaber and the office of baillie to be wadset to him, but his requests were refused.¹⁴ Exactly why the earl deprived Mackintosh of his lands and the bailliary of Lochaber is unclear although a few months prior to Mackintosh's petitions Ross granted to Somerled, son of John MacIain of Ardnamurchan, the davach lands of Glen Nevis and the *toiseachdeor* of all lands in Lochaber, except those of Lachlan Maclean of Duart.¹⁵ It is possible this move was prompted by Gordon acquisition of

¹⁰ W. Fraser (ed.), *The Douglas Book*, iii, no. 80; Fraser, *Chiefs of Grant*, iii, no. 29; *ER*, vi, 217. This came after the crown recognised Archibald Douglas as earl.

¹¹ M. Brown, *The Black Douglasses*, 271, argues that this attitude by the tenants of Moray reflected their desire for a 'lowland lord' to replace the authority previously established in the region by the earl of Mar.

¹² Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes'; A.M. Mackintosh, *The Mackintoshes and Clan Chattan* (Edinburgh, 1903).

¹³ NAS GD 128/21/1; Paton, *Mackintosh Muniments*, no. 2; *Acts of the Lords of the Isles*, no. 47; Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 184-5 states he received this in return for his services at Harlaw. C. Fraser-Mackintosh, *Antiquarian Notes: Historical, Genealogical and Social* (2nd series, Inverness, 1897), 160; A. & A. MacDonald, *Clan Donald* (Inverness, 1900-04), i, 197, 535.

¹⁴ Paton, *Mackintosh Muniments*, nos. 3-5; *Acts of the Lords of the Isles*, nos. 62-64.

¹⁵ *Acts of the Lords of the Isles*, no. 61. What this actually entailed remains obscure but there are a number of examples for the survival of this office. In Scotland and the Isle of Man it appears to be equated with 'coroner' although at times the office

Badenoch suggesting Ross was uncertain of the position of the Mackintosh chief. However, in 1466 Duncan Mackintosh, eleventh chief, received a grant from Ross of lands in Lochaber and the bailiary of them.¹⁶ Prior to the first forfeiture of the Lordship of the Isles, therefore, Mackintosh chiefs were tenants of both the earls of Huntly and the MacDonald Lords of the Isles and bonds which pre-date the 1476 forfeiture acknowledge Mackintosh dependence on the MacDonalds.¹⁷ Around the time of the forfeiture, however, the Mackintosh chiefs began a process of re-alignment with the Gordons, then emerging as the most powerful force in the north of Scotland.

In 1475 George Gordon, second earl of Huntly, entered into an agreement with Lauchlan 'Badenoch' Mackintosh, brother of Duncan Mackintosh, eleventh chief. Huntly gave to Lauchlan the marriage and ward of the heiresses of Macniven in return for which Lauchlan

oblissis him faithfulli, in the strattaste stile and forme of obligatione, that he sall at the plesance and commande of the forsaide lorde, giffe sufficient bandis, be the aviss and consell of men of law, to the said lorde, that the said Lauchlane or his airis, ane or may, or sonis, bruikand the saidis landis quhatsumeuer, sall perpetually stand in speciale manrent and seruice to the saide lorde, and his airis quhatsumeuer, nona outane bot thar allegiance and his to our souerane lord the king alanerly outane. . . .¹⁸

While Lauchlan and his brother Duncan were moving closer into the Gordon sphere of influence, this was not a uniform shift across the whole clan as Ferquhard, Duncan's heir, remained closely connected with the MacDonalds. Any alteration in allegiance needed to be handled carefully as after the first forfeiture the rivalry between the MacDonalds and Gordons intensified. Huntly welcomed the forfeiture

is combined with that of forester. For further discussion of the role of *toiseachdeor* see W.D.H. Sellar, "Celtic Law and Scots Law: Survival and Integration", O'Donnell Lecture, 1985, *Scottish Studies*, 29 (1989), 9–11; J. Goodare, *State and Society in Early Modern Scotland* (Oxford, 1999), 228, n. 46.

¹⁶ *RMS*, ii, 2191; Paton, *Mackintosh Muniments*, no. 8; *Acts of the Lords of the Isles*, nos. 88, 141 which suggests that the "lands and office of bailies of Lochaber had apparently been returned to Mackintosh". Exactly when this occurred is not clear. In 1476 Duncan received crown confirmation of lands in Lochaber he had held from Ross, but this made no mention of the office of bailie (see n. 19 below) although in 1505 Ferquhard, twelfth chief of the Mackintoshes, clearly had the position (cf. Paton, *Mackintosh Muniments*, no. 22).

¹⁷ In 1442 Mackintosh received the lands of Meikle Geddes and Rait from Alexander Seton, Lord of Gordon (cf. Paton, *Mackintosh Muniments*, no. 1).

¹⁸ *Miscellany of the Spalding Club*, iv, 183–4.

of Ross and subsequently received a fee of 100 merks from the farms of Urquhart, Glenmoriston, along with custody of Urquhart Castle.¹⁹ In 1476 Duncan, chief of the Mackintoshes, received crown confirmation of lands in the lordship of Lochaber.²⁰ The weakening of MacDonald influence in the north and centre of Scotland, combined with the growing influence of the Gordons of Huntly, ensured they offered effective lordship for clans of the central and eastern Highlands. Over the next hundred and fifty years the alliance between the Mackintosh chiefs, the Clan Chattan and the earls of Huntly continued. Established as tenurial superior of many of the Clan Chattan lands by the mid fifteenth century, personal lordship of the earl was first acknowledged in 1476 by Alexander Shaw Mackintosh, head of the Shaw cadet branch of the clan, but the chiefs themselves soon moved into Gordon influence.²¹ Lauchlan 'Badenoch', brother of Duncan, eleventh chief, was Huntly's bailie within Badenoch and a few years later Duncan acknowledged Huntly's influence by referring a dispute to the earl for advice.²²

The earl of Huntly capitalised on the 1476 forfeiture to expand although it was the exploitation of the opportunity presented by the final forfeiture in 1493 that saw Huntly set out to eliminate the last traces of MacDonald power across the whole of the north of Scotland. Along with the earl of Argyll, George, second earl and Alexander, third earl, were relied on heavily to deal with unrest in the west Highlands, especially during the early decades of the sixteenth century when James IV had lost interest. In 1506 Huntly received commissions to let royal lands in Glengarry, Invergarry and Knoydart and was appointed hereditary sheriff of Inverness with the power to appoint deputies in Caithness, Ross and Lochaber. By early 1509 Huntly, with crown approval, had extended Gordon influence within

¹⁹ *Miscellany of the Spalding Club*, iv, 134–5; R.J. Tanner, *The Late Medieval Scottish Parliament: politics and the three estates, 1424–1488* (East Linton, 2001), 213; N. Macdougall, "Achilles' Heel? Earldom of Ross, the Lordship of the Isles, and the Stewart Kings, 1449–1507" in E.J. Cowan & R.A. McDonald (eds.), *Alba. Celtic Scotland in the Middle Ages* (East Linton, 2000), 261. See pp. 42–3 above.

²⁰ *RMS*, ii, 1243; *Acts of the Lords of the Isles*, Appendix A. no. 23.

²¹ Fraser, *Chiefs of Grant*, iii, no. 283. A dispute had arisen between Alexander and his chief, Duncan, eleventh chief of the Mackintoshes. In this agreement Alexander promised "faithful service and homage" to his chief, excepting that due to the king, the tenurial superior and Alexander, earl of Huntly. See pp. 122–3, 150–2 above.

²² Fraser, *Chiefs of Grant*, iii, no. 284; *A Genealogical Deduction of the Family of Rose of Kilravock 1290–1847* (ed.) C. Innes (Edinburgh, 1898), 143–4.

his own locality, through large parts of Aberdeenshire, westwards throughout the Great Glen and the lordships of Lochaber and Badenoch, and as far south as Perthshire where he was given the power to attack and arrest any at the horn in Fortingall, Rannoch and Lochaber.²³

The political realignment with the Gordons of Huntly on the part of the Mackintosh chiefs was not the result of a conscious eastwards agenda but rather was attributable to changes in the political map of the north of Scotland. Alexander, earl of Ross and third Lord of the Isles, had been justiciar of the north of Scotland but it was now the earls of Huntly who were crown agents in the Mackintosh and Clan Chattan locality. This was not a deliberate move away from Gaelic lordship to Lowland lordship, rather it was a pragmatic political move through which the Mackintosh chiefs were allied to the king's man in the north, but also the dominant regional lord who could provide effective lordship for the clan as a whole. The authority of the Gordons in Badenoch, Lochaber and parts of Aberdeenshire was extensive and considering the dispersed holdings of the clan and settlement of client kindreds it was to Mackintosh advantage to look to Huntly for lordship, especially following the demise of the MacDonalds. At the outset of the sixteenth century Gordon lordship was the best, and only, alternative but it did not remain a constant. The changing political landscape of Scotland meant that at different times Mackintosh chiefs sought the protection of other regional lords, such as James Stewart, earl of Moray, and in the later sixteenth century, the Campbell earls of Argyll and Stewart earls of Atholl. This was complicated further by the dispersed nature of the Mackintoshes and Clan Chattan, as some cadets and satellites looked to one lord for protection while the Mackintosh chiefs looked elsewhere. The complex interchange of personal and tenurial lordship would have severe repercussions for the stability of the clan.

Conflicting spheres of influence

The Mackintoshes and Clan Chattan first became connected to the earls of Moray following the death of William Mackintosh of Dunachton, thirteenth chief. In 1515 James Stewart, earl of Moray,²⁴

²³ RSS, i, nos. 1283, 1344, 1532, 1545, 1579, 1668, 1773, 1820, 1825; RMS, ii, no. 3286.

²⁴ James Stewart had been created earl of Moray in 1501.

received the gift of the lands that had pertained to Ferquhard Mackintosh, twelfth chief, and which had been in crown hands since his death in 1513.²⁵ Moray also received the marriage of Lauchlan, fourteenth chief, who succeeded after the death of William, his brother.²⁶ In an attempt to build up a kin-based support network in the north, Moray married the chief to his own half-sister, Jean Gordon.²⁷ Marital kinship, along with Moray's position as tenurial superior of some of the Clan Chattan lands would complicate the situation in the light of previous Mackintosh dependence on Huntly as William, thirteenth chief, had given manrent to Huntly in 1497.²⁸ The emergence of the Stewart earls of Moray threatened Gordon hegemony in the north and Huntly was wary that satellite kindreds of the Clan Chattan situated within Moray's sphere of influence in the north may look to him for protection, thereby compromising Huntly's position in terms of both institutional and personal lordship. However, numerous satellite kindreds of the Clan Chattan had benefited from Gordon lordship and the marital kinship created between Moray and the Mackintosh chief would not guarantee the loyalty of the entire clan. The situation worsened following the death of Lauchlan, fourteenth chief, in 1524, when Moray took the future fifteenth chief, William, son of Lauchlan, into his keeping for protection.

Moray's intervention in Mackintosh affairs caused widespread resentment within the Clan Chattan resulting in numerous atrocities committed by the clan within the north. The extent of the unrest caused James V to issue a commission of fire and sword to Moray, as lieutenant-general of Scotland, to follow through with the "utir exterminatioun and destructioun of all that kin, thair assistaris and parte takaris".²⁹ The commission was never executed, apparently due to Moray's reluctance to take such action against the clan in the light of his protection of the young chief. Instead, in 1529 Hector Mackintosh, guardian of the clan during William's minority, received

²⁵ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 210.

²⁶ Paton, *Mackintosh Muniments*, no. 24.

²⁷ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 212. James Stewart was the illegitimate son of James IV and Janet Kennedy while Jean Gordon was the only daughter of Sir Alexander Gordon of Lochinvar and Janet Kennedy.

²⁸ *Miscellany of the Spalding Club*, iv, 189–90. This was a personal bond from William to the earl and did not include any reference to clan, kin or dependents except for military assistance when required.

²⁹ *Miscellany of the Spalding Club*, ii, 110. See p. 47 above.

a respite for his “art, part and assistance” for accompanying Archibald, earl of Angus, in “treasonable dedis” and shortly after in 1530 he gave manrent to Moray.³⁰ This did not last long for as soon as George Gordon, fourth earl of Huntly, reached his majority Hector reasserted traditional Mackintosh and Clan Chattan alliances and gave manrent to Huntly in 1532.³¹ In this instance Huntly benefited from the fluid composition of the Clan Chattan who asserted loyalty to him, regardless of Moray’s influence over their chief and Huntly would manipulate this further in later years to his own advantage. This challenge to Gordon lordship by the emerging earl of Moray was the result of conflicting spheres of regional influence which impacted directly onto the Mackintoshes and Clan Chattan. While it caused problems for clan unity these were resolved during the chiefship of William Mackintosh of Dunachton, fifteenth chief.³² However, later in the sixteenth century a combination of regional and national affairs would increase tension within the locality and force Mackintosh chiefs to look elsewhere for effective lordship.

The return of the Catholic queen, Mary Stewart, to Protestant Scotland in 1561 was welcomed initially by George, fourth earl of Huntly, who hoped for a counter-reformation. But Mary’s close relationship with the Protestant Lords of the Congregation and her grant of the earldom of Moray in 1562 to her half-brother James Stewart, head of the Protestant faction, increased Huntly’s resentment towards the monarch.³³ The earl refused to attend her in Edinburgh, stubbornly remaining in his northeast powerbase yet at the same time pushing for a pardon for his son, John Gordon, who had been outlawed. During the queen’s progress north later that year she turned down an invitation to stay with Huntly at Strathbogie, preferring

³⁰ RSS, ii, no. 13; Mackintosh of Kinrara, ‘Origin and Increase of the Mackintoshes’, 220; R. Gordon, *A genealogical history of the earldom of Sutherland from its origins to the year 1630* (Edinburgh, 1813), 100; G. Bain, *The Lordship of Petty* (Nairn, 1915), 21–3. For the bond to Moray see NAS GD 44/13/8/15. Grant of Freuchy also gave manrent to the earl of Moray in 1530 (cf. J. Wormald, *Lords and Men in Scotland*, 345, Appendix A, Moray no. 2).

³¹ NAS GD 44/13/8/16; *Miscellany of the Spalding Club*, iv, 198–9.

³² See p. 181 below.

³³ RSS, v, part i, no. 966. Huntly had never formally held the earldom of Moray but had administered it from 1549 to 1562 (cf. RMS, iv, 299; *Acts of the Lords of Council in Public Affairs, 1501–1554: Selections from the Acta Dominorum Concilii introductory to the register of the Privy Council of Scotland* (ed.) R.K. Hanny (Edinburgh, 1932), 582; RSS, v, part i, no. 630).

instead to carry on to the royal castle at Inverness. On her arrival she was refused entry by the constable, a Gordon who Huntly himself had installed, and interpreted this as the earl's refusal to acknowledge royal authority. The constable was duly executed for his efforts and the earl gathered some support. The queen's forces, led by Moray, met Huntly at the battle-field of Corrichie in a conflict ending in defeat for the Gordons. The earl died shortly afterwards only to be posthumously forfeited the following year.³⁴ In his opposition to the queen Huntly's forces had been depleted by the absence of military support from both the Mackintoshes and the Clan Chattan and the Grants. With allegiances split between the monarch and their immediate superior both clans sided with the crown, an expression of their awareness that co-operation with the crown was the more sensible, and advantageous, policy. Adherence to their superior was important but neither clan was prepared to oppose royal authority.

The vacuum created by the death of Huntly in 1562 was filled quickly by Moray who was appointed lieutenant-general of Scotland in 1564.³⁵ But the Gordons were not absent for long and shortly after Mary's alienation from Moray and the other Protestant lords the queen was in need of allies. Consequently, George Gordon was restored to his father's estates and made a return to political participation in 1566 as the fifth earl of Huntly.³⁶ This did not mean, however, an easy return to dominance in the north-east for the earl's return was followed in quick succession by the deposition of Mary and the outbreak of the Marian civil war. The political factionalism that emerged in the Reformation period of the 1560s cut across traditional alliances but the reconciliation of Lauchlan Mackintosh of Dunachton, sixteenth chief, with Huntly, after the chief reached his majority and the fifth earl was restored, was brought about by the intervention of other figures in the north-east. There was a recognition that co-operation between the two men was essential for local stability while events of 1567 and 1568 highlighted the need for Huntly to be able to rely on sufficient manpower from the northeast.

³⁴ G. Donaldson, *Scotland. James V-James VII* (Edinburgh, 1965), 111-2; J.E.A. Dawson, *Politics of Religion in the Age of Mary, Queen of Scots: the Fifth Earl of Argyll and the Struggle for Britain and Ireland* (Cambridge, 2002), 117-9.

³⁵ BL Royal MS 18.B.vi, f 231b.

³⁶ *RMS*, iv, 1733.

Mediation was instigated by John Leslie, Bishop of Ross, George Gordon of Shives, Robert Innes of Invermarky, George Barclay, George Gordon of Beldomie and John Ross of Ballivat resulting in an exchange of manrent and maintenance between Huntly and Mackintosh.³⁷ This reconciliation was capitalised on a few months later when the signatures of Mackintosh and Huntly, and that of John Grant, fourth of Freuchy, were added to a band signed for the queen's defence, thereby harnessing the military capability of the clan for the benefit of the Queen's Party.³⁸ The alliance between the earl and his dependants would not last and, although the Mackintosh chiefs had converted early to Protestantism despite the staunch Catholicism of the Gordons, Mackintosh's realignment at this time was the result of political considerations, not religious factionalism. Following Mary's departure for England to seek the help of Elizabeth, and as the queen's cause became increasingly more desperate, Mackintosh and Grant renounced loyalty to Mary giving personal submissions to Moray, then Regent, promising obedience to the king.³⁹

Huntly remained a staunch supporter of Mary despite two brief flirtations with the King's Party in 1569 and 1572.⁴⁰ In regional terms, the earl had re-asserted his position as the dominant authority in the north-east although the extent of his influence was compromised to some extent by the fact that two of his main tenants and dependents, Mackintosh and Grant, adhered to the king and Regent, James Douglas, fourth earl of Morton. The death of George, fifth earl of Huntly, in 1576, the minority of George, sixth earl of Huntly, and the uncertainty surrounding the earldom of Moray saw Mackintosh look elsewhere for protection.⁴¹ The absence from the

³⁷ NAS GD 176/89. See pp. 190–1 below.

³⁸ *Miscellany of the Spalding Club*, iv, 156–7.

³⁹ *RPCS*, i, 654, 668–9, 672–3. However, Fraser, *Chiefs of Grant*, iii, no. 132 shows that on 21 June 1569 Lauchlan was bound by James Douglas, earl of Morton, chancellor of Scotland, under pain of 5000 merks to appear before the Regent “in Abirdene the tenth day of Julii nix to cum”. This suggests that Moray was very keen to receive Mackintosh's submission.

⁴⁰ *RPCS*, i, 653–4, 663; J.E.A. Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots*, 188–9.

⁴¹ Following the death of Moray in 1570 his wife, Agnas Keith, Countess of Moray, held the earldom until her death in 1588 when their eldest daughter, Elizabeth, was served heiress to her father. In 1572 the countess had remarried to Colin Campbell, sixth earl of Argyll.

political scene of figures like the earls of Huntly and Moray resulted in a bond of manrent from Mackintosh to John Stewart, fourth earl of Atholl, Lord Balveny, in 1579.⁴² Atholl, whose lands lay in Kincardine, was a conservative, Catholic noble but again Mackintosh was making a pragmatic political alliance not one based on religious principles. In the power vacuum that followed the death of both the earls of Huntly and Moray, Mackintosh sought protection, not just for himself, but his entire clan whose lands stretched across much of the central region and the absence of any traditional superiors of the clan meant that Atholl was the figure most able to provide it.⁴³ This alliance was short-lived as Atholl died later that year but within a few years there was a return to Gordon dominance.

In 1582–3, George, sixth earl of Huntly, reached his majority and set about restoring the former ascendancy of his family in regional and national affairs. He was created lieutenant and justice-general of the north of Scotland and within a short time personal lordship over traditional dependants was reaffirmed. Huntly was able to extend his influence in the west Highlands as well, a move aided by the contraction of a mutual bond with Colin Campbell, sixth earl of Argyll, and facilitated further by Argyll's death in 1584.⁴⁴ While the seventh earl was still a minor Huntly was regarded as a viable alternative in terms of lordship by clans and kindreds in the west Highlands. Consequently, in 1585 Huntly received manrent from the Macleods of Lewis, Colin Mackenzie, eleventh of Kintail, Robert Munro of Foulis, Donald Macalister of Glengarry and Alastair MacGregor of Glenstray.⁴⁵ In 1586 he received manrent from Kenneth Mackenzie of Kintail, Donald Robertson, heir of Struan, Donald Gorm Mac-Donald of Sleat, James Dunbar of Cumnock, sheriff of Moray, and

⁴² NAS GD 176/120, GD 176/178, GD 176/179.

⁴³ For a brief period in 1578 John Stewart, earl of Atholl, and Colin, sixth earl of Argyll, had wrested political control from Morton, then Regent of Scotland (cf. G. Donaldson, *Scotland: James V–James VII*, 171–96; Brown, K.M., *Bloodfeud in Scotland, 1573–1625: Violence, Justice and Politics in Early Modern Society* (Edinburgh, 1986), 108–43). Atholl became chancellor in 1578 after the death of Lord Glamis but unfortunately for Mackintosh died later in 1579.

⁴⁴ In 1583 Huntly had received a bond from Colin, earl of Argyll, which referred to the “ald kyndnes, suir frendship, and allia” between the two houses. The two earls “willing to follow the lovable custume of our progenitouris” bound themselves “in suir frendship and kyndnes” to assist each other in all their “honest and gude caussis” (cf. *Miscellany of the Spalding Club*, iv, 230).

⁴⁵ J. Wormald, *Lords and Men in Scotland*, Appendix A, Gordon nos. 57–61.

John Grant, fifth of Freuchy.⁴⁶ The following year manrent was promised to the earl by Archibald Campbell of Lochnell, George Rattray of Craighall, along with a bond of friendship and assistance from Robert Stewart, later earl of Orkney.⁴⁷ In 1588 he received manrent from Gilbert Menzies of Pitfoddles, Alexander Menzies, Duncan Campbell of Glenorchy and Simon, Lord Fraser of Lovat; in 1589 from William Scott of Abottshall, James Beaton of Melgund and Robert Innes of Invermarky as well as Lauchlan Mackintosh of Dunachton, in confirmation of the bond granted to the earl's father in 1568.⁴⁸ Huntly's ability to enforce royal authority in the north of Scotland depended greatly on the co-operation of local lairds and chiefs like Grant, Mackintosh, Mackenzie, Munro, Dunbar and Fraser, who were crucial for the task of apprehending named individuals as well as broken men in their localities. In order to ensure their co-operation, however, Huntly did have to provide them with effective lordship. If he failed to do so, as occurred in 1590, the repercussions were far-reaching.

The return to traditional lines of personal lordship and co-operation in the central and eastern Highlands that came in the mid-1580s would disintegrate rapidly with the outbreak of unrest that engulfed the north-east between 1590 and 1592. The dispute, which saw the conflicting spheres of regional authority in the north impact directly on the locality, had its roots in local issues of lordship.⁴⁹ In 1587 some members of the Gordon family were responsible for the deaths of a number of the Grant clan. The Grants turned to their superior, seeking justice and compensation but Huntly did little to satisfy either demand.⁵⁰ The injustice felt by the Grants was aggravated further by Gordon attempts to gain control of the lands of Ballindalloch through marriage, provoking a fight between John Grant, tutor of Ballindalloch, and John Gordon, brother of Gordon of Cluny. It was only when the argument resulted in the death of Gordon that Huntly intervened, gaining a commission to outlaw the

⁴⁶ J. Wormald, *Lords and Men in Scotland*, Appendix A, Gordon nos. 63–8.

⁴⁷ J. Wormald, *Lords and Men in Scotland*, Appendix A, Gordon nos. 69–70; Appendix B, no. 85; *Miscellany of the Spalding Club*, iv, 239–40.

⁴⁸ Fraser, *Chiefs of Grant*, iii, nos. 151, 153; Paton, *Mackintosh Muniments*, nos. 141, 150; *Miscellany of the Spalding Club*, iv, 230–44; J. Wormald, *Lords and Men in Scotland*, 64; Appendix A, Gordon, nos. 71–9; Mackintosh, no. 5.

⁴⁹ J. Wormald, *Lords and Men in Scotland*, 118.

⁵⁰ Fraser, *Chiefs of Grant*, iii, no. 157.

Grants. Following this action on the part of Huntly who protected the interests of his own kin, John Grant looked to his chief for protection.⁵¹ Grant of Freuchy, isolated by the actions of Huntly gained the support of James Stewart of Doune, earl of Moray, and Sir John Campbell of Cawdor, both of whom would capitalise on this opportunity to weaken Gordon influence.

The upheaval that followed challenged Huntly's position already undermined by the creation of James Stewart of Doune, as earl of Moray. The earldom had passed to him through his marriage to Elizabeth, eldest daughter of Regent Moray and his wife Agnes Keith, daughter of William, earl Marischal. Huntly was seeking to re-assert Gordon authority in the north following his minority and rivalry emerged between the two houses for dominance in the north. The personal dispute of 1590–2 between Huntly and Moray concerning tenurial rights and fishing rights on the Spey provided the background to the more immediate issue of lordship.⁵² Moray was quick to capitalise on the discontent of the Grants and, together with Campbell of Cawdor, he gathered together a number of local men who supported the cause of the Grants. On 1 November 1590 a bond was signed by the earl of Moray, John Stewart, earl of Atholl, John Campbell of Cawdor, Simon, Lord Fraser of Lovat, Thomas Stewart of Grandtully, William Sutherland of Duffus, John Grant of Freuchy, Patrick Grant of Rothiemurchus and Archibald Grant of Bellintome. They bound themselves to be “effauld, trew, and leill” to each other in “all actiones, quarrelles, questiones, and debaittes” and to “concur, asist, tack place, pairt with each other” if they were “persewit, molestet, troubled, or invadit” excepting only the king.⁵³

⁵¹ R. Gordon, *History of the Earldom of Sutherland*, 214.

⁵² *CSP Scotland*, x, 462. For a fuller discussion of the background to the dispute see K.M. Brown, *Bloodfeud in Scotland*, 144–82; J. Wormald, *Lords and Men in Scotland*, 117–21.

⁵³ *Miscellany of the Spalding Club*, ii, 93–4. It is interesting to note the personal ties that connected these men. From the viewpoint of the Mackintosh chief, Lauchlan, he had at different stages (1521, 1530, 1569, 1579, 1581) given bonds of political manrent to the Campbells of Cawdor and the earls of Moray and Atholl (*Book of the Thanes of Cawdor*, 139–40, 182; NAS GD 44/13/8/15; *RPCS*, i, 654, 668–9, 672–3; NAS GD 176/120, GD 176/178, GD 176/179); in 1588 he contracted a bond of friendship with Fraser of Lovat (NAS GD 128/31/2/30); his sister Margaret had married into the Sutherland of Duffus family (*RMS*, vi, no. 1274; Fraser, *Chiefs of Grant*, iii, no. 331) while relations with Grant of Freuchy have been explored in detail.

This was followed up eleven days later by a bond between Lauchlan Mackintosh of Dunachton and his son, Angus, and John Grant whereby the Mackintoshes promised to defend Grant against “any earl”, an implicit reference to Huntly.⁵⁴

The increasing unrest in the north was obvious to central authority and it became apparent that Huntly’s position was as much a hindrance to law and order as the practice of banding was. In January 1590/1 the earls of Moray and Atholl, John Grant of Freuchy, Lauchlan Mackintosh of Dunachton, John Campbell of Cawdor, Simon, Lord Fraser of Lovat, Colin Mackenzie of Kintail and others received an exemption from Huntly’s commission of justiciary and lieutenancy. It acknowledged Huntly’s manipulation of the earlier commission to “maist iniustlie . . . call, trubill or persew” the named individuals and “thair kyn, freindis, seruandis, tennenttis, proper men, partakeris and dependeris” and his part in the murder of some of the Grants.⁵⁵ Shortly afterwards Moray and Grant of Freuchy bound themselves together in a bond in which Moray acted as cautioner for Grant who promised to adhere to the 1587 act “maid for quieting of the Hyelandis and Bordouris” and to “keip gude rule and quietnes in the cuntrie”.⁵⁶ Moray, by pursuing his own agenda in allying with Huntly’s former dependants and thereby weakening the earl, was also trying to act as peace-maker in the north, but his endeavours came to nothing. Through the mediation of four members of the Gordon family reconciliation was reached between the chiefs of Grant and Mackintosh and the earl of Huntly whereby the two chiefs would “contenew with his lordschip, swa lang as thai keip thair dewtie and faythfull service to his lordschip and his hous”.⁵⁷ The realignment of these clans with Huntly shifted the balance of power in the north and in addition Huntly received a commission to apprehend Moray.⁵⁸ The tendency of the Gordons to

⁵⁴ Fraser, *Chiefs of Grant*, iii, no. 156; J. Wormald, *Lords and Men in Scotland*, 119 emphasising that much of this agreement actually revolved around land and “their promise of assistance in the peaceful possession of” it. The ‘punch-line’, however, came at the beginning where both Grant and Mackintosh promised to maintain and defend the other “in caice ony erle within this realme wrangeouslie or by ordir of law, be thame selfis and thair assisteris, be force or violence, invadeis, trublis, molestis or persewis” them.

⁵⁵ Fraser, *Chiefs of Grant*, iii, no. 157.

⁵⁶ Fraser, *Chiefs of Grant*, iii, no. 158. See pp. 52–3 above.

⁵⁷ Fraser, *Chiefs of Grant*, iii, no. 159.

⁵⁸ Sutherland of Duffus also switched his allegiance to Huntly in 1591 (cf. NAS GD 44/13/7/35; *Miscellany of the Spalding Club*, iv, 246–7).

pursue their feuds with vigour resulted in Moray's murder at his house at Donibristle.⁵⁹ Huntly was universally blamed for the earl's death.⁶⁰

The resulting clamour for punishment to be meted out to Huntly had severe repercussions in the north where further unrest broke out with even greater intensity and Huntly's dependants once again allied against him. This unrest in the north was compounded by disorder in the west following the murder of Sir John Campbell of Cawdor.⁶¹ Although at first glance this was the result of an internal Campbell power-struggle concerning who had control of Archibald, seventh earl of Argyll, during his minority, arguably there was a wider agenda at work. John Campbell of Cawdor and Archibald Campbell of Lochnell denied the other guardians access to the young earl, while Cawdor also promised to try to obtain the right for Lochnell to hold justice courts throughout Argyll and Lorne.⁶² Lochnell subsequently entered negotiations with Huntly who offered to help Lochnell obtain the earldom of Argyll, part of Huntly's wider plan to weaken the position of the earl of Moray within Scotland by ridding him of Campbell support and to establish an ally as head of the house of Argyll.⁶³ The combination of these events would secure Huntly's dominance across the north of Scotland and also at court. The double murders resulted in public outrage across Scotland, in the north much resentment was levelled at Huntly who was perceived as responsible for Moray's death, and in the central and eastern Highlands it pushed Mackintosh decisively away from Huntly and into the Moray-Campbell camp.

Adherence to Huntly at this time would alienate the Mackintosh chief from other local clans like the Campbells of Cawdor with whom the Mackintoshes had maintained relations for some time. On their

⁵⁹ *RPCS*, iv, 725.

⁶⁰ K.M. Brown, *Bloodfeud in Scotland*, 144–82.

⁶¹ Gregory, *History of the Western Highlands and Isles*, 248–56 connects the murder of Moray with the murder of Campbell of Cawdor.

⁶² Before his death the sixth earl had nominated six guardians for Archibald and stipulated that for any business two of the three principal signatories must be James Campbell of Ardinglass, Neil Campbell, Bishop of Argyll, or John Campbell of Cawdor. However, in 1586 Cawdor signed a bond with one of the other guardians, Archibald Campbell of Lochnell, stating that the other guardians had not protected the interests of the young earl and, therefore, as they were guilty of crimes throughout the earldom they should not be allowed access to the earl.

⁶³ For further discussion of the Cawdor murder see E.J. Cowan, "Kinship, Clanship and the Campbell acquisition of Islay", *SHR*, lviii (1979), 132–57; *Miscellany of the Spalding Club*, ii, 236.

part, the Campbells had hoped to draw Mackintosh away from Huntly for some time and part of Cawdor's agreement with Lochnell in 1586 had involved support for the Mackintoshes. Prior to the outbreak of unrest in 1590 Huntly had been uncomfortable with the emerging relationship between Mackintosh and the earls of Moray and Argyll so he had sought to draw the chief deeper into Gordon politics. In 1586 Huntly had received a bond of manrent from Donald Gorm MacDonald of Sleat, who later claimed to be "Lord of the Isles of Scotland".⁶⁴ The following year, 1587, Lauchlan Mackintosh had contracted a mutual bond of maintenance with Donald Gorm of Sleat and Angus MacDonald of Dunivaig, who styled himself "Lord of Kintyre".⁶⁵ The MacDonalds would have supported any proposition that brought about the downfall of the Campbells and these bonds involved Mackintosh in a Gordon-MacDonald alliance against the Moray-Argyll faction. The deliberate and very conscious move away from Huntly following the death of Moray resulted in Mackintosh breaking a number of bonds, but also contracting new alliances that brought the chief the protection of Archibald, earl of Argyll. The events of 1590 to 1592 highlight that it was the issue of lordship, and the detrimental impact of Gordon dominance in the north, which caused Mackintosh to ally with the Campbell faction.⁶⁶

Huntly's dominance in the north was undermined by his own actions and the extent of the devastation caused by the Huntly-Moray feud in the north produced public outrage and government concern. The crown was not prepared to tolerate such disorder regardless of how it began and in September 1591 James VI had attempted to "appease the quarrels between Huntly and the Lairds of Grant and Mackintosh".⁶⁷ This resulted in the rather tenuous

⁶⁴ *CSP Scotland*, xi, 571.

⁶⁵ HRA, Lord Macdonald Papers, 5032/4, 5328/1.

⁶⁶ J.E.A. Dawson, "Kin, Clan and Kirk: the Campbells and the Scottish Reformation" in N.S. Amos, A. Pettegree & H. van Nierop (eds.), *The Education of a Christian Society* (Aldershot, 1999), 211–42. Although there was no religious motivation, the Campbells would make full use of any opportunity to spread the Reformation, especially in order to undermine the position of the most powerful Catholic noble in Scotland.

⁶⁷ *CSP Scotland*, x, 571–2. This was due to the ongoing unrest. "Lately the Laird of Lochaber and the clans of Cameron appertaining to Huntly have killed forty-one of Mackintosh's men, and twenty-four of Grant's: they have hurt the Laird of Ballindalloch, "who escaped by takinge a stone house for his safty", and they took a great prey of cattle and sheep to Strathbogie, the house of Huntly, now lieu-

reconciliation agreed upon between Mackintosh, Grant and Huntly the next month.⁶⁸ The murder of the earl of Moray a few months later at the hands of Huntly saw the renewal of widespread unrest and the rupture of this reconciliation but by June 1592 Grant of Freuchy had made his peace and returned to the protection of Huntly.⁶⁹ In contrast, throughout the latter months of 1592 Mackintosh was involved in and responsible for a number of attacks on Huntly and his kin and dependants and in November was put to the horn (declared a rebel).⁷⁰ Huntly, for his part, readily retaliated attacking the lands and dependants of Mackintosh, the very situation that James had wanted to prevent.⁷¹ Consequently, a commission of lieutenancy was issued in January 1592/3 to William Douglas, ninth earl of Angus, to bring the "laules brokin hieland men of the Clan Chattan, Clan Camroun, Clan Rannald" and others who claimed to be dependants of the earls of Huntly and Atholl to submission or arrest them and bring them before the council, and also "to stay Huntly and his forces from revenge".⁷² The crown could assert its authority but reconciliation between Mackintosh and Huntly would not be achieved easily.

Mackintosh sought to reinforce this position in the light of his continuing attacks on Huntly and his dependants. In September 1593 he was bolstered by the support he received from the provost, bailies, council and community of Inverness who promised to defend the town against the earl and hold it for Mackintosh, an indication of the extent to which Huntly's influence in the locality had been

tenant in the north, where they sold this booty "very good cheipe". In revenge, the Lairds of Grant and Mackintosh, with the assistance of Atholl, Murray, and others, are gathering to invade the bounds of Huntly. Some action is expected about Strathbogie, notwithstanding Huntly's lieutenancy and his forces. More blood will be drawn unless the King prevent it".

⁶⁸ Fraser, *Chiefs of Grant*, iii, no. 159. See pp. 192–5 below.

⁶⁹ Fraser, *Chiefs of Grant*, iii, no. 161. This was a bond in which John Dow MacGregor gave manrent to Grant. The king and the earl of Argyll was excepted by MacGregor, while Grant excepted the king and "my Lord of Huntly".

⁷⁰ *CSP Scotland*, x, 811, "Mackintosh has lately slain ninety-six of Huntly's friends and tenants, amongst whom three Gordons are killed. The prey of 4000 sheep and 320 oxen and cattle is brought away"; x, 820–1, "Mackintosh has gathered together seven several clans and keeps the hills, he had lately killed some more of Huntly's followers"; x, 829, "It is reported that Mackintosh has lately slain many of Huntly's people". Mackintosh submitted to royal authority after this and for a few years he was again relied upon to assist in crown commissions concerning the law and order of the Highlands.

⁷¹ *CSP Scotland*, x, 824.

⁷² *RPCS*, v, 19–20; *CSP Scotland*, x, 811–2.

undermined by recent events.⁷³ Mackintosh followed this up by contracting a mutual bond with Archibald, seventh earl of Argyll, in which he excepted his obedience only to the king and James Stewart, earl of Moray, then still a minor.⁷⁴ The creation of alliances which pulled Mackintosh further into opposition to Huntly and closer to the earl of Argyll was reinforced by Huntly's involvement, along with the earl of Erroll, in the 'Spanish Blanks' affair, a Catholic conspiracy involving Philip II of Spain.⁷⁵ The reality of Huntly's duplicity forced James VI to take action against the earl who was subsequently forfeit, a move which forced Grant to reconsider his position. Opting for co-operation with the crown Grant, along with Mackintosh, Mackenzie of Kintail and others were commissioned to "faithfullie, leillie, and treulie concur, fortife and assist" the king's lieutenant in the north, Ludovic, duke of Lennox, to deal with the rebel earls and, following their outbreak into open rebellion in 1594, joined with Argyll in his efforts to force Huntly to come before the king.⁷⁶ The decision to allow Argyll to command the royal forces assembled against Huntly at Glenlivet, unfortunately, was a costly one for the crown ending in a humiliating defeat at the hands of Huntly. The earl fled Scotland in 1595 accompanied by Erroll only to be declared an exile by James VI.⁷⁷

The earl's absence from the political scene in the north of Scotland was brief. Nonetheless, it followed a sustained period of unrest and resulted in the redrawing of local and regional alliances, although once again these were temporary. By 1596 Huntly had returned to Scotland and following his reconciliation with James immediately began re-asserting his authority in the north.⁷⁸ His return to political prominence in regional terms was consolidated by the return of Grant and cadets of the Mackintosh clan to dependence on the earl,

⁷³ NAS GD 176/162; C. Fraser-Mackintosh, *Invernessiana: contributions toward a history of the town and parish of Inverness from 1160 to 1599* (Inverness, 1875), 264.

⁷⁴ Paton, *Mackintosh Muniments*, no. 164. The earldom of Moray had passed to James Stewart, Lord Doune, eldest son of the late earl.

⁷⁵ G. Donaldson, *Scotland: James V-James VIII* (Edinburgh, 1965), 189–95.

⁷⁶ *RPCS*, v, 187–9. Ludovic, Duke of Lennox, was granted the lieutenancy of the north in an attempt to pacify the region following the forfeiture.

⁷⁷ The force led by Argyll on behalf of the crown consisted of over 6,000 Highlanders while Huntly's army included the Clan Cameron, Clanranald and the Macphersons.

⁷⁸ Huntly's reconciliation into the political community came after a public conversion to Protestantism, the second of four such declarations the earl would make during his lifetime. He died a committed Catholic.

acknowledging their need for his lordship in the central and east Highland region.⁷⁹ In contrast, while Mackintosh came to agreement with Huntly over tenurial matters, the relationship remained tense. In this instance, as on a number of other occasions throughout the sixteenth century, the actions of Mackintosh chiefs were influenced and shaped by the will of the clan which did not necessarily agree with the will of their chief. Recent research has highlighted the divergent political aims of clan society, but closer examination of the Mackintoshes and Clan Chattan shows divergent political aims within the clan, resulting from conflicting patterns of tenurial superiority and lordship. Successive chiefs had to maintain political unity in spite of this complex situation.

Dominant influence of the Gordon earls of Huntly

The shift to dependence on the Gordon earls of Huntly by the Mackintosh chiefs that came in the later fifteenth century was a pragmatic decision resulting from changes in the political landscape. Nonetheless, the Mackintoshes and Clan Chattan was not a homogeneous entity and the dependence of the clan on successive earls of Huntly should not be regarded simply as the expression of the political will of the Mackintosh chiefs acting on behalf of the clan. As established earlier clan chiefs consulted regularly with the principal men of the clan to ensure solidarity. But the disparate nature of clan settlement within the conflicting spheres of influence of regional lords impacted on the efforts of successive chiefs to consolidate political and military co-operation and socio-economic cohesion. The agreement of 10 October 1476 in which Alexander Shaw Mackintosh, head of the Shaw cadet, gave political manrent to the earl of Huntly quite distinct from the socio-economic manrent given to his chief, Duncan Mackintosh, is an indication of how the Clan Chattan's relationship with the Mackintosh chiefs would develop throughout the fifteenth and sixteenth centuries.⁸⁰ The need for protection of cadet

⁷⁹ J. Wormald, *Lords and Men in Scotland*, 118 rightly asserts that "the Mackintoshes were not among those who could be said to have enjoyed Huntly's protection; rather, they had it forced upon them". This view, however, does not take into account the influence of the clan upon the Mackintosh chiefs and their numerous bonds of manrent to the earl.

⁸⁰ Fraser, *Chiefs of Grant*, iii, no. 283.

branches and satellite kindreds of the Clan Chattan geographically remote from the core clan estate resulted in their dependence on regional lords, an alliance that on occasions was at odds with the policy of the Mackintosh chiefs. This was highlighted by the actions of the Macleans in the 1480s who remained allied with the MacDonald Lords of the Isles, despite the gradual move by Mackintosh chiefs towards alliance with the Gordon earls of Huntly.⁸¹ A similar situation arose on a number of occasions during the sixteenth century when the policy of cadets and satellites of the Clan Chattan differed from that of the Mackintosh chiefship. Such a lack of political homogeneity within the clan was detrimental and despite ties of blood, marital and fictive kinship, socio-economic manrent and clientage, successive chiefs found it difficult to ensure ongoing cohesion and solidarity of the clan as a whole when confronted with issues of lordship.

During the early decades of the sixteenth century successive earls of Huntly extended Gordon influence throughout the north Highlands and Isles. The first real challenge to Huntly's lordship in the central and eastern Highlands came in the 1520s with the attempts of James Stewart, earl of Moray, to capitalise on his wardship of the Mackintosh chief in order to create a powerbase in the region, although his intervention caused significant divisions within the clan that took some time to heal.⁸² Moray's alliance with the Mackintosh chiefship proved problematic for the Clan Chattan who adhered to the earl of Huntly and it brought to light the lack of unity between the Mackintosh chief who was in Moray's care, Hector, clan guardian, and the Clan Chattan. The situation was compounded by the minority of George, fourth earl of Huntly, which lasted until around 1530 leaving a vacuum readily filled by the earl of Moray. Although Hector Mackintosh, clan guardian, gave a bond of manrent to Moray in 1530 this was a temporary measure. Shortly after George, fourth earl of Huntly, reached his majority Hector and the Clan Chattan gave manrent to the earl in 1532, regardless of the position of their clan chief, William.⁸³ During Mackintosh's minority, Huntly maintained

⁸¹ See pp. 121–3 above.

⁸² See pp. 166–8 above.

⁸³ NAS GD 44/13/7/13; *Miscellany of the Spalding Club*, iv, 198–9. See also p. 168 above. Huntly's position, both in the north and nationally, was reinforced in 1540–1 when he received the sheriffship of Aberdeen and, following the death of James V in 1542, he was appointed as a member of the regency council responsible for the government of Scotland during the minority of Mary.

his lordship over the Clan Chattan and even after Mackintosh took personal control of the clan the divisions were evident, a situation which Huntly was able to exploit.

On 2 May 1543, independently of their chief, the *fine* of the Clan Chattan gave a bond of obedience and loyalty to the earl of Huntly.⁸⁴ Included was a clause whereby the principal men of the clan bound their chief, William Mackintosh of Dunachton, to give manrent to the earl “for hymself, and ws his kyn of the Clanchattane”. If, however, William was to “failze, and break his band of manrent, in his seruice to the said erle” then the Clan Chattan would “leif the said William”. Aware of the fragility and tenuous connection between some of the satellite kindreds and cadet branches of the clan and their chief at this time, Huntly was able to manipulate the situation to his own benefit. He could continue to provide lordship and protection for the disparate satellite kindreds of the Clan Chattan in the wake of a period of upheaval. Determined to adhere to Huntly following the harmful repercussions of Moray’s interference in clan affairs, the Clan Chattan threatened to break clan unity if their chief did not follow suit. Consequently, ten days later on 12 May William bound himself to become “leyll, trew, faythfull man and serwand” to Huntly along with his “kyn of the Clanchatten, freyndis, serwandis, allis, tenentis, partakeris, adherentis”.⁸⁵ Huntly reinforced this bond of manrent with a tenurial grant of lands in Badenoch and, capitalising on the death of Moray in 1544, brought the Mackintosh chief into a closer working relationship with him.⁸⁶ Along with Alexander Bailze, Mackintosh was created the earl’s deputy within the sheriffdom of Inverness, a position that gave the chief the responsibility to hold courts within the bounds of his jurisdiction. While this enhanced his status within the locality it was a position that depended on continuation of Mackintosh’s dependence on the earl.⁸⁷ Working alongside the earl in judicial matters, Mackintosh accompanied Huntly in executing a commission issued against the Clanranald and Clan Cameron in the wake of the battle of Blar-nan-leine and their attack on Urquhart and Glenmoriston in order to pacify the region.⁸⁸

⁸⁴ *Miscellany of the Spalding Club*, iv, 260.

⁸⁵ *Miscellany of the Spalding Club*, iv, 209–10.

⁸⁶ Paton, *Mackintosh Muniments*, no. 39.

⁸⁷ Paton, *Mackintosh Muniments*, no. 41; *Miscellany of the Spalding Club*, iv, 142–4. Huntly had received the lieutenancy of the north of Scotland in March 1543.

⁸⁸ This battle was the result of a feud between the Clanranald and the Frasers of Lovat which had erupted over succession to the chiefship of the Clanranald.

Huntly pursued the rebels into Lochaber, apprehending and executing any he could find but the chiefs of the Clan Cameron and Clanranald escaped. Huntly's efforts to pursue them further were stalled by Henry VIII's invasion of Scotland during the 'rough wooing' accompanied by unrest in the west under the leadership of Donald Dubh.

The planned insurgence in the Isles in 1545 was not supported by central and east Highland clans. The restoration of MacDonald influence in the west would not be beneficial for either the Mackintoshes or the Grants. Both chiefs now held land, formerly held from the island lords, direct from the crown and actually had benefited from the forfeiture in tenurial terms. In addition, both chiefs were allied closely to the earls of Huntly and Mackintosh was responsible for apprehending lawbreakers within Lochaber. As these clans pursued a policy of co-operation with the crown, directly or through regional authority, the island rebellion would cause unwelcome havoc. The islesmen, however, also claimed to be loyal subjects of the crown, asserting they were rebelling against Argyll and the council, not against the monarchy.⁸⁹ Nonetheless, Donald Dubh had been negotiating with Henry for some time and part of the final agreement involved harrying the lands of the earls of Argyll and Huntly.⁹⁰ While there was a certain degree of resentment towards both earls because of their role as crown agents in the west Highlands, Henry VIII wanted to limit the combined manpower the earls could

After the imprisonment of the chief John Moydertach by James V in 1540, the Frasers took the opportunity to impose one of their own kin Ranald 'Galda', who had a claim to the chiefship through hereditary descent as he was son of former chief, Alan Macruari, by his second marriage. On his release from prison, however, John drove Ranald out and, along with the Clan Cameron and MacDonalds of Keppoch, wasted Fraser lands of Abertarf and Stratherrick as well as Grant lands of Urquhart and Glenmoriston. Huntly, as lieutenant of the north was to repress the disorder and was joined by the Frasers, the Grants of Freuchy and the Mackintoshes and Clan Chattan. The resulting battle of Kinloch-lochy or Blar-nan-leine saw victory for the Clanranald over the Frasers of Lovat (cf. *Miscellany of the Spalding Club*, iv, liv-lv). See also p. 137 above.

⁸⁹ 'A Proposal for Uniting Scotland with England, addressed to King Henry VIII by John Elder, clerke, a reddshanke, 1542 or 1542' in *Collectanea de Rebus Albanicis* (eds.) D. Gregory & W.F. Skene (Edinburgh, 1847), 23-32. The specific mention of Argyll was a result of Campbell territorial acquisitions following the forfeiture of 1493, deeply resented by the MacDonalds, and the role successive earls had played in pacifying and policing the region.

⁹⁰ The threat of unrest had been present since the release from captivity in 1543 of numerous island chiefs, imprisoned by James V in 1540.

deploy against the English.⁹¹ If their lands in the north and west were under attack neither earl could afford to deploy his full retinue on the borders, thus depleting the Scottish force which attempted to repel the English invasion. On account of the threat the islanders represented, Huntly and Argyll contracted a bond “necessar for the commoun weill of the realme, and stenching and repressing of brek in the Hielandis be euill myndis men”.⁹² The following year a general band was contracted by numerous earls and lairds in the north on account of the “evil . . . and brokin tym” which bound the earls of Huntly, Sutherland, Atholl and the chiefs of Mackintosh, Grant, Mackenzie and Fraser together.⁹³

Huntly, however, went further and secured the support of local clans and others in the north and central Highlands who would not support the rebellion. In doing so the earl was following his own agenda, using the unrest to further Gordon expansion in the north. In March 1545 while Donald Dubh finalised his agreement with the English king, Huntly signed a bond with William Mackintosh of Dunachton, James Grant of Freuchy, John Mackenzie of Kintail, Alexander Ross of Balnagown and Hector Munro of Foulis.⁹⁴ These five men promised to

serue and tak plane, trew, and anefauld pairt wytht the said erle in recouering and getting of the takis and erledoume of Ros at the Quenis, gouernouris, cuntas of Murrays handis, or ony vthiris hafand rycht, titill, or entres thairto.

If the earl did not manage to obtain legal right to the lands of Ross, the same men promised they would use the “vtermaist of . . . powaris stoip, cummer, and disobey ony vthiris”. As dependants of the earl, Mackintosh and Grant readily adhered to him in this venture, but in pursuing his own aims Huntly gained the support of the others by offering favour. He promised to appoint John Mackenzie “sic bailzeriese and vthir plessouris for him and his sone” and to Alexander

⁹¹ *Letters and papers, foreign and domestic, of the reign of Henry VIII: preserved in the Public Record Office, the British Museum, and elsewhere in England* (eds.) J.S. Brewer et al (London, 1862–1910, 1929–32), xx, ii, 294–5; A. Cathcart, “Symbolic figurehead or political pawn?: the rebellions of Donald Dubh” in R.D. Oram (ed.), *The Lordship of the Isles* (forthcoming).

⁹² *Miscellany of the Spalding Club*, iv, 210–11. They both promised to revenge the death, or wasting of lands, of the other.

⁹³ *Miscellany of the Spalding Club*, iv, 212–3.

⁹⁴ Fraser, *Chiefs of Grant*, iii, no. 97.

Ross of Balnagown and Robert Munro of Foulis “sic landis, feall and bailzeriis” as the earl saw fit so long as John Mackenzie and his son Kenneth gave manrent to the earl, in return for maintenance. Such advantages certainly were an incentive to ally with Huntly, but they all also sought his protection. These clans had all suffered from the forfeiture because of retaliatory attacks, yet they also had benefited from it on account of their co-operation with royal authority. They would not welcome a return of island lordship and this alliance with Huntly was a clear indication that he offered the best prospects of effective lordship in Lochaber and Badenoch.⁹⁵ The island rebellion proved abortive but the following year Grant reinforced his relationship with Huntly through a bond of manrent, and while Mackintosh proved to be a useful sheriff-deputy in Inverness at a time when Huntly was a captive in England, Mackintosh-Huntly relations soon began to deteriorate emphasising the negative aspects of Gordon lordship for the clan.⁹⁶

After his succession to the chiefship of the clan, in 1545 Mackintosh received confirmation of lands held from the Bishop of Moray, of Glenlui and Locharkaig, and crown confirmation of the bailiary of the lordship of Lochaber.⁹⁷ The hereditary nature of this office placed the Mackintosh chiefs in a strange relationship with Huntly. Although ultimately Mackintosh was accountable to the earl as lord of Lochaber, the bailiary of the lordship was an office the chief received direct from the crown and within the context of the 1540s it highlighted the local significance of the Mackintosh chief who would have an important role in dispensing justice in the region following the botched rebellion. In 1546, as Huntly’s deputy within Inverness-shire Mackintosh arrested and brought to trial Ewen Allanson, captain of Clan Cameron, and Ranald MacDonald, chief of the Clanranald, who Huntly had failed to apprehend in 1544.⁹⁸ The two chiefs were subsequently executed. Mackintosh’s apprehension of the two men highlighted the

⁹⁵ Fraser, *Chiefs of Grant*, iii, no. 100. The following year Grant and Huntly exchanged bonds of manrent and maintenance while Grant also received the lordship and bailiary of Srathoune.

⁹⁶ Huntly was captured at Pinkie in 1547.

⁹⁷ Paton, *Mackintosh Muniments*, nos. 42, 45, 46. This grant of the bailiary of the lordship of Lochaber must have infuriated Huntly. It placed the two men in a strange situation for while Huntly held the lordship and Mackintosh was a tenant of his within Lochaber, Mackintosh had jurisdiction for petty crimes.

⁹⁸ Paton, *Mackintosh Muniments*, no. 41.

chief's importance in the region and in the light of later events it is tempting to suggest that his ability to capture the two chiefs threatened Huntly, making the earl suspicious of Mackintosh's growing influence.⁹⁹ However, this is to read history backwards. Huntly had appointed Mackintosh his deputy within the sheriffdom of Inverness and the chief was simply fulfilling the duties of his office. It is unclear why the relationship between the earl and the chief deteriorated so much in the last few years of the 1540s. Although Mackintosh's position was bolstered by confirmation of lands and office, his chiefship of the Clan Chattan had been maintained rather tenuously, dependent on his personal service to the earl of Huntly.

Due to the capture of the earl of Huntly at Pinkie in 1547 Mackintosh, as sheriff-deputy was "the most powerful Chief in this part of the Highlands, having an army greater than any Earl".¹⁰⁰ With Huntly absent from the north, Mackintosh's position as sheriff-deputy was of increased significance. Whether Huntly was threatened by Mackintosh's growing influence in the central and eastern Highlands is unclear but all accounts of events leading to and surrounding the execution of Mackintosh on the orders of Huntly in 1550 are tainted by the attempts of both families to portray themselves as the victim in the situation, and compounded by the absence of evidence.¹⁰¹ Gordon family sources suggest that Mackintosh, via the earl of Moray, negotiated with the English in an attempt to persuade Huntly to come to agreement with Protector Somerset.¹⁰² Moray, however, had died in 1544 and as yet the earldom still remained in crown hands. Considering the correspondence between Somerset and Huntly, it is possible that pressure was placed on Mackintosh, as one of Huntly's main tenants, to collude with the

⁹⁹ This also goes some way to explaining why the Cameron chief excepted allegiance to the queen, Huntly and Mackintosh in his bond to the laird of Grant in 1548 (cf. Fraser, *Chiefs of Grant*, iii, no. 103). Cameron adherence to the Clan Donald had achieved little especially in the failed 1545 rebellion in which they had participated. As a result they sought to integrate with the clans of the central Highlands, thereby coming into the orbit of influence of the earl of Huntly.

¹⁰⁰ G. Bain, *The Lordship of Petty* (Nairn, 1915), 19.

¹⁰¹ Aberdeen Sheriff Court records for the years around 1550 are missing while burgh records offer little illumination.

¹⁰² *The Records of Aboyne MCCXXX–MDCLXXXI* (ed.) C. Gordon (Aberdeen, 1894), 453. For the agreement between Huntly and Somerset regarding his return to Scotland see *Miscellany of the Spalding Club*, iv, 144–50. For further discussion of national events and the campaigns of Somerset see M. Merriman, *The Rough Wooings. Mary, Queen of Scots 1542–1551*, (East Linton, 2000), 137–63, 232–64.

English although this remains speculation.¹⁰³ In contrast, Mackintosh sources emphasise the suspicion on the part of Huntly who was wary of the burgeoning power the chief had within the north although in reality Mackintosh's position was by no means solid.¹⁰⁴ Following the earl's return to Scotland, on 13 February 1548–9 he received the administration of the lands of the earldom of Moray along with the lordships of Abernethy, Petty, Breachly and Strathdearn, consolidating further lands held by the Mackintoshes and Clan Chattan under his influence and reinforcing his position as superior of the clan.¹⁰⁵ Shortly afterwards he deprived Mackintosh of the office of sheriff-deputy and had him arrested.

According to Gordon history this was due to the “double-dealing of the Highland chief” and in order to “nip his designs in the bud” the earl arrested Mackintosh, charged him with treason and brought him to trial at Aberdeen where he was sentenced to death and his lands forfeited.¹⁰⁶ Thomas Menzies of Pitfodells, Provost of Aberdeen, although a dependant of Huntly, was aware of the unfair nature of the trial and appealed to parliament. This prevented the execution but Huntly continued to keep Mackintosh imprisoned at Strathbogie.¹⁰⁷ Others such as Sir George Douglas of Pittendreich, Sir James Douglas of Drumlanrig and Gilbert Kennedy, third earl of Cassillis, were

¹⁰³ M. Merriman, *The Rough Wooings*, 262, n. 108.

¹⁰⁴ Mackintosh of Kinrara, ‘Increase and Origin of the Mackintoshes’, 227–8.

¹⁰⁵ *RMS*, iv, 299.

¹⁰⁶ Huntly was quite a prominent figure in Aberdeen and although an integral member of the council in the years before and after 1550 his influence expanded through clients like the earl of Errol. According to J. Wormald, *Lords and Men in Scotland*, 135 the courtroom was full of dependants of Errol, allies of the earl and unlikely to support the cause of Mackintosh. Mackintosh of Kinrara, ‘Origin and Increase of the Mackintoshes’, 229 states the assize that found Mackintosh guilty consisted of Huntly's retainers, “William Seton of Meldrum, William Udny of that Ilk, Alexander Crawford of Fedderet, John Forbes of Towy, Alexander Leslie of that Ilk, William Cheyn of Strathloch, Gilbert Gray of Shives, Thomas Chalmer of Cults, Thomas Meldrum of Iden, Alexander Chalmer of Belnacraig, Patrick Cheyn of Essilmont, knight, Alexander Con of Auchry and John Seton of Disblair . . . The witnesses brought forward were Donald McWilliam vic Dai, servant of the late John Malcolmsen . . . beheaded at Rothemurchus for the murder of Lauchlan laird of Mackintosh, father of the accused” and Lauchlan, son of John Malcolmsen. Lauchlan Malcolmsen entered into negotiations with Huntly because he wanted to revenge the murder of his father, despite having given a bond to William his chief in 1547–8 (cf. NAS GD 176/57, GD 128/31/2/2/; *RPCS*, i, 676–7; Paton, *Mackintosh Muniments*, nos. 56–61).

¹⁰⁷ Considering the extensive powers that Huntly had in the central Highland region, as sheriff of Inverness-shire and lieutenant-general of the north of Scotland, it is likely that he was able to take such action.

outraged by the earl's actions.¹⁰⁸ The dispute that ensued between them intensified so much that Mary of Guise's departure for France in September 1550 was delayed by a day while she intervened to restore cordiality amongst her travelling companions.¹⁰⁹ Following the departure of Guise and her entourage, which included Huntly, the Mackintosh chief was executed at Bog of Gight on the orders of the Countess of Huntly.¹¹⁰ Once back in Scotland the earl wasted no time in taking advantage of the forfeiture and granted to his eldest son, Alexander, Lord Gordon, lands that had formerly belonged to William.¹¹¹ The earl of Cassillis, who had the wardship of Mackintosh's heir, attempted to gain some justice for the clan in 1554 when he was appointed Lord Treasurer.¹¹² He succeeded in bringing Huntly to parliament and managed to have the sentence of forfeiture pronounced on Mackintosh annulled and the sentence of death declared illegal.¹¹³ While no action was taken at the time, the execution of the chief is said to have contributed to Huntly's downfall that came a few years later.¹¹⁴

In 1554 the earls of Argyll and Huntly received a commission to "pas with fyre and sword to the utter extermination of the Clanrannald, Donald Gorme (of Sleat), Macloyde of the Lews, and thair complices"

¹⁰⁸ *The Historie of Scotland written first in Latin by Jhone Leslie; and translated in Scottish by Father James Dalrymple* (ed.) E.G. Cody & W. Murison (Edinburgh, 1888–95), ii, 334–5. Cassillis had been granted the ward of Lauchlan, fourteenth chief, following the death of his mother, Jean Gordon (cf. *RSS*, iv, no. 1457).

¹⁰⁹ *RPCS*, i, 107; *Scottish Correspondence of Mary of Lorraine* (ed.) A.I. Cameron (Edinburgh, 1927), 381, ccliv.

¹¹⁰ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 230–1. The execution was carried out at Bog of Gight by the countess, shortly after the earl departed for France with Mary of Guise, apparently on the earl's instructions. Why Mackintosh was taken there to be executed, rather than at Strathbogie is unclear.

¹¹¹ *RSS*, iv, nos. 625, 1879; *RMS*, iv, 704, 708, 824. Alexander also received the lands of Petty, Breachly and Strathnairn the following month which had formerly been held by the earl of Moray.

¹¹² *RSS*, iv, no. 1457. Following the death of Jean Gordon, spouse of Lauchlan, fourteenth chief, Cassillis had received the ward and marriage of William, Jean's grandson and heir to the previous chief, in 1551–2. He was appointed Lord High Treasurer in 1554.

¹¹³ Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 232–3.

¹¹⁴ Huntly's position remained unaltered during the regency of James Hamilton, duke of Châtellherault, (cf. *RPCS*, i, 151). G. Donaldson, *Scotland: James V–James VII*, 82 mentions the weakness of Châtellherault during this period which may have prevented him from taking decisive action. But the duke's inaction may also be on account of the marriage of his daughter to Huntly's son, Lord Gordon, in February 1550. It was not until Mary of Guise assumed the Regency in 1554 that some action was taken against the earl.

following the failure of the Clanranald and the Clan Cameron to appear before the regent at Inverness in 1552.¹¹⁵ According to Gregory, neither earl met with great success but it was Huntly who bore the brunt of Mary of Guise's anger who had assumed the regency in 1554.¹¹⁶ The reason for his inability to implement this commission was a combination of the refusal of Lowland forces to fight on foot and the earl's refusal to rely solely on Highland forces considering the recent "hattrent that thai had conceived aganis him for the deithe of McIntoche".¹¹⁷ In October 1554 the earl was summoned before Guise to explain his actions and she concluded the earl "had not used his commission according to his acceptation and dewtie" and, therefore, was liable to be punished.¹¹⁸ Consequently, Huntly was imprisoned in Edinburgh Castle and sentenced to be banished to France, although subsequently the earl received a remittance. Along with his fine, Huntly lost the administration of the earldoms of Moray and Mar and while he retained the nominal status of chancellor, effectively he was superseded by the vice-chancellor, the Frenchman Yves de Rubay who had control of the Great Seal.¹¹⁹ Nonetheless, Pamela Ritchie has argued that Huntly's fall was more apparent than real and that actually he was being used as an example to the rest of the nobility. That he was restored to favour within a

¹¹⁵ *RPCS*, xiv, 12; i, 125–6.

¹¹⁶ Gregory, *History of the Western Highlands and Isles*, 183–4; *RPCS*, i, 126; P. Ritchie, *Mary of Guise in Scotland, 1548–1560: a political career* (East Linton, 2002), 163–4.

¹¹⁷ *The Historie of Scotland written first in Latin by Jhone Leslie*, ii, 356; *Scottish Correspondence of Mary of Lorraine*, 395, n. 2, cclxiii.

¹¹⁸ *RPCS*, xiv, 13.

¹¹⁹ *Scottish Correspondence of Mary of Lorraine*, 395–8, cclxiii–cclxiv; *The Historie of Scotland written first in Latin by Jhone Leslie*, ii, 356; Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes', 232–3; G. Donaldson, *Scotland. James V–James VII*, 86. Exactly what Huntly was deprived of is not clear. *A diurnal of remarkable occurrents that have passed within the country of Scotland since the death of King James the Fourth till the year MDLXXV* (ed.) T. Thomson (Edinburgh, 1833), 51 states that "George, erle of Huntlie was commandit and put in waird within the castell of Edinburgh, and thair remanit ane certane space, and was delyuerit furth of the said captivitee be greit sowmes of money, and renuncit all the takis quhilk he haid of the erldome of Murray and Ross, lordschip of Ardmnoch and Orknay, to the said Marie queen and than regent". J. Wormald, *Lords and Men in Scotland*, 118, n. 8 and J.E.A. Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots*, 116 both state that Huntly held the earldom of Moray from 1549 to 1562; Gregory, *History of the Western Highlands and Isles*, 184 argues he was deprived of the earldoms of Mar and Moray and the gift of the ward of Mary Macleod, heiress of Harris, Dunvegan and Glenelg. According to NLS ADV. MS 34.6.11., fols 57–60; *Records of Aboyne*, 455, Mary of Guise was advised by the resident French ambassador D'Oisel that "Huntly's wings were to be clipped" because his power was so extensive.

year would appear to corroborate this view and in 1557 he was re-appointed to his former position as lieutenant-general of the north of Scotland.¹²⁰ Without any other viable alternative in the north of Scotland, his restoration had been inevitable.

The reaction of the Mackintoshes and the Clan Chattan is unrecorded but they were aggrieved enough to murder Lauchlan Malcolmson who had been involved with Huntly in this affair.¹²¹ The Clan Chattan had adhered closely to Huntly and had forced Mackintosh into a similar dependence on the earl in 1543 but the execution of their chief caused discontent within the clan. Huntly had been Mackintosh's superior and the chief had looked to him for protection. This treatment of Mackintosh would have repercussions in the locality. As a consequence of the unstable situation in the central Highlands following Mackintosh's execution, combined with the realisation that the earl's actions had gone virtually unpunished, the young heir to the chiefship, Lauchlan Mackintosh of Dunachton, later sixteenth chief,¹²² was kidnapped by Kenneth Mackenzie, tenth of Kintail, and brought up his household.¹²³ Mackenzie's influence in the north Highland region had been expanding throughout the sixteenth century due to their co-operation with the crown. Like other lesser clans in the north and central Highlands such as the Grants and Mackintoshes who co-operated with royal authority, the Mackenzies were used by the crown to settle lands in the north formerly part of the Lordship of the Isles. John Mackenzie, ninth of Kintail, had entered into the 1545 agreement with Grant and

¹²⁰ *RPCS*, i, 543; *RMS*, iv, 1097.

¹²¹ GD 128/31/2/3-4x; Mackintosh of Kinrara, 'Increase and Origin of the Mackintoshes', 228-33. Lauchlan, son of John Malcolmson, allegedly had planned Mackintosh's downfall with Huntly and had been a witness at the chief's trial. For his efforts he received the lands of Connage to be held during his life, was appointed chamberlain of Petty, Breachly and Strathdearn, and sheriff-deputy in Inverness-shire. He enjoyed these rewards for a brief period only before being murdered by the Clan Chattan in September 1551. Attempts were also said to be made on Huntly's life (cf. *Scottish Correspondence of Mary of Lorraine*, 381, n. 1, cclvii).

¹²² William Mackintosh, the designated heir in the grant of wardship and marriage to Cassillis, had died young leaving his younger brother to succeed to the chiefship.

¹²³ It is not quite clear how this came about. Mackintosh of Kinrara, 'Increase and Origin of the Mackintoshes', 234-235, states that because of the murder of his father, Lauchlan was perceived to have many enemies and it was thought wise to send him to the laird of Mackay, who was said to be related to Lauchlan's mother. On his way there he was taken prisoner by Mackenzie who educated him and brought him up.

Mackintosh, whereby they acknowledged the superiority of the earl of Huntly and by the 1550s was clearly forging a relationship with both the Mackintoshes of Dunachton and the Grants of Freuchy. Details regarding the so-called kidnapping of the young chief are vague but it did remove Mackintosh from what could be a potentially difficult position in the light of Gordon dominance in the central and eastern Highlands and it also ensured close relations between the Mackintoshes and Clan Chattan and the Mackenzies, a clan of increasing significance in both the north and central Highland region. This quasi-fostering of Mackintosh laid the basis for future political co-operation reinforced through marital kinship in 1567 when Mackintosh was married to the daughter of Kenneth Mackenzie, chief of Kintail.¹²⁴

During the 1550s when the young chief was with the Mackenzies, Gilbert Kennedy, third earl of Cassillis, was in control of clan affairs but on his death in 1561 this responsibility passed to Donald Mackintosh of Culernye.¹²⁵ Before taking control of the affairs of the clan himself in 1567, Mackintosh is said to have spent some time at court between 1560 and 1562 during which time he received confirmation of lands held in Lochaber and of the bailiary of the lordship from Mary, Queen of Scots.¹²⁶ The action of the Mackintoshes and Clan Chattan on the side of the crown against Huntly at Corrichie in 1562, and the earl's subsequent forfeiture, reinforced the breach between Huntly and Mackintosh. The restoration of Gordon influence in the north, however, that came in 1566 was followed a few years later by reconciliation, a result of the intervention of external parties.¹²⁷ There was a recognition that renewal of Mackintosh and Clan Chattan dependence on George Gordon, fifth earl of Huntly, was a means of bringing about stability in the region but the bonds of manrent and maintenance through which reconciliation was achieved suggest

¹²⁴ NAS GD 176/83. However, marital kinship did not prevent the Mackenzies from subsequently allying with the Grants against the Mackintoshes in 1572. See also pp. 154–5 above.

¹²⁵ NAS GD 128/31/2/1. An assize consisting of Macphersons, Macqueens and MacFarquhars amongst others, swore that Donald Mackintosh of Culernye was nearest agnate of the chief.

¹²⁶ RSS, v, no. 1367; Paton, *Mackintosh Muniments*, no. 85. In 1567 Mary, Queen of Scots, “dispensed with the minority of . . . Lauchlan” giving sasine to him of the land and office which had been in ward and nonentry for the past seventeen years.

¹²⁷ RMS, iv, 1733; RPCS, i, 348, 454. This came after Mackintosh reached his majority (cf. RSS, v, no. 1367). See p. 170 above.

a great deal about the nature of the relationship being established. In his bond of maintenance to Mackintosh the earl stated that the bond

shall be renewed by him and his successors upon the receipt of the bond of every heir of the said Lauchlan succeeding to the lands of Bandachar, Clwyne, Kyncragie, Schethyn, Essie, Bochowbin, Drumdlachat and Tordaracht.¹²⁸

These lands had been granted in heritage to William Mackintosh of Dunachton, fifteenth chief, by George, fourth earl of Huntly, in July 1546, although later forfeited following the earl's execution of Mackintosh in 1550.¹²⁹ The wording here suggests Huntly was attempting to incorporate these lands into the core clan estate by associating them with the Mackintosh chiefship. Likewise, dependence on the earls of Huntly would be associated with succession to the Mackintosh chiefship and the bond made provision for renewal of this dependence in the future. Other clauses emphasised the extent to which each had aggravated the position of the other in the past. Consequently, Huntly agreed to pay Mackintosh £500 in recompense of several years' tacks of the lands of Petty and Breachly which the earl had collected himself. In addition, he agreed to ensure that tenants in Badenoch recognised the authority of the Mackintosh chief in that region, acknowledgement that the fourth earl's execution of the previous chief had undermined the position of the Mackintoshes within the region. Meanwhile Mackintosh, sixteenth chief, agreed to repay 160 merks which he had uplifted in Huntly's name from lands in Lochaber and promised to assist in collecting the earl's rents of Badenoch and the castle lands of Inverness.¹³⁰

Despite the efforts to compensate the grievances of both Huntly and Mackintosh, the reconciliation achieved in 1568 would not survive the realignment of personal lordship that accompanied the widespread disorder of the Marian civil wars and, after the death of the fifth earl in 1576 and during the minority of George Gordon, sixth earl, the Mackintosh chief sought protection elsewhere. This was

¹²⁸ NAS GD 176/89.

¹²⁹ NAS GD 176/39, GD 176/48.

¹³⁰ NAS GD 176/90; *Miscellany of the Spalding Club*, iv, 225–7. Mackintosh also promised to give up any claims he may have had to Rothiemurchus, although the very next year, Mackintosh and Huntly appear to come to an agreement regarding Rothiemurchus whereby Mackintosh would receive feu tenure of the lands in return for 2,600 merks.

short-lived. When the sixth earl reached his majority sometime in 1582 to 1583 there was a return to Gordon dominance in the north east and reconciliation followed.¹³¹ John Grant, fifth of Freuchy, gave manrent to Huntly in 1586, while a few years later in November 1589 Mackintosh gave a bond of manrent to the earl confirming the earlier bond given to George, fifth earl, in 1568.¹³² The tenuous nature of this reconciliation was made evident the following year when the Huntly-Moray feud engulfed the north between 1590 and 1592. This impacted on issues of lordship for the Mackintoshes and Clan Chattan and highlighted the fragility of the clan itself.

The alignment of Huntly's dependents, like the Mackintoshes and the Grants, with the earl of Moray and Campbell of Cawdor, weakened the extent of the earl's manpower and influence. In turn, this limited the earl's ability to police the region as his authority in the north rested largely on the co-operation and loyalty of a number of lesser clans and chiefs within his sphere of influence. While his relationship with clans like the Mackintoshes and Clan Chattan was turbulent and at times hostile as long as Huntly fulfilled his duties he remained dominant in the north. In the 1520s, 1560s and 1570s the influence of the Gordon family in the north had been undermined due to national political events as well as the deaths, forfeiture and minorities of successive earls. During these periods when Gordon influence diminished briefly, the Mackintosh and Grant chiefs had found personal lordship elsewhere. The efforts of the sixth earl to reassert Gordon hegemony in the 1580s had reconciled him with his own dependants, the Mackintoshes and the Grants, but prosecution of his feud with the earl of Moray who challenged Huntly's dominance was counter-productive leaving the earl in need of additional allies. Consequently, in March 1591 Huntly contracted a bond with Allan Cameron of Locheil, chief of the Cameron clan, in which Cameron promised to aid Huntly in all his troubles, specifically those involving Lauchlan Mackintosh of Dunachton and John Grant of Freuchy, emphasising the pragmatic use of bonds for specific purposes.¹³³

¹³¹ NAS GD 176/141, GD 176/150; Fraser, *Chiefs of Grant*, iii, no. 153 highlights the political co-operation between the earl and the chief of Mackintosh in 1586 and 1588 prior to any formal reconciliation, although Grant renewed dependence on the earl in 1586.

¹³² Fraser, *Chiefs of Grant*, iii, no. 150; *Miscellany of the Spalding Club*, iv, 243. In the 1586 reconciliation between Mackintosh and Grant concerning Rothiemurchus Grant excepted allegiance to Huntly although Mackintosh did not. See p. 156 above.

¹³³ *Miscellany of the Spalding Club*, iv, 245.

Huntly's alliance with the Camerons was a means of gaining support for his own position but at the same time he exploited the intermittent feud between the Mackintoshes and Grants and the Camerons for his own ends. It was part of Huntly's wider plan to force the Mackintosh and Grant chiefs back under his influence.

Alliance with the Camerons was not enough to achieve this end so a few months later Huntly struck back by weakening the position of Mackintosh himself. In May 1591 the earl persuaded the Macpherson kindred to break from the Clan Chattan and the Mackintosh chief through a combination of institutional and personal lordship. He offered them land to settle on, establishing the former satellite as an independent clan adhering only to Huntly himself.¹³⁴ The Macphersons were the largest satellite kindred within the Clan Chattan and had been important politically for the Mackintosh chief throughout the latter half of the sixteenth century.¹³⁵ In terms of manpower, the loss of the Macphersons was a severe blow to the Mackintosh chief while the very nature of the Macpherson split from the Clan Chattan had repercussions for clan unity and cohesion. Considering the previous alliance between the fourth earl of Huntly and the Clan Chattan, however, this move on the part of the Macphersons may be indicative of a more widespread malaise within the Clan Chattan. The Clan Chattan had expressed their desire for Huntly's lordship on a number of occasions, reacting violently to the earl of Moray's intervention in the 1520s and 1530s, and in 1543 the clan had forced the Mackintosh chief to give personal service to the earl. After a number of decades of upheaval the recent reconciliation of 1589 appeared promising and signalled a return to traditional patterns of allegiance. But the alignment of Mackintosh with Moray in 1591 may have provoked internal discontent, encouraged and aggravated by Huntly who sought to use it to his own advantage. Due to the earl's position in the north, Huntly was able to gain legal backing to take action against the unlawful activities of his tenants, and specifically the Clan Chattan, despite the fact that

¹³⁴ Paton, *Mackintosh Muniments*, no. 155; *Miscellany of the Spalding Club*, iv, 246; *Records of Aboyne*, 515. The signatories of the bond of 1591 included Donald Macallister Roy, "William Kynache Macdonald wic Nele", Alastair Mor M'Farquhar M'Thomas, Alastair M'Farquhar, Thomas M'Farquhar and Alastair Og M'Farquhar. Macpherson claims, asserted in the seventeenth century, argued for the primacy of the Macphersons as chiefs to the Clan Chattan, but it is unlikely that this incident is connected.

¹³⁵ Paton, *Mackintosh Muniments*. Witness lists highlight the importance of the Macphersons in political affairs of the clan.

the unrest was a reaction to the earl's own refusal to provide effective lordship for the Grants.

In 1591 Huntly obtained a commission to take action against the Clan Chattan but acknowledged that he would "not hurt them without loss to himself".¹³⁶ Without the earl's protection the Clan Chattan was vulnerable, regardless of Moray's protection, and the move by the Macphersons sent a very clear message to the Mackintosh chief that clan unity was at stake. As a result negotiations soon began between Mackintosh and Grant and members of the Gordon family that resulted in reconciliation.¹³⁷ A fragile peace was established whereby Grant and Mackintosh promised to remain faithful to Huntly while for their part the Gordons asserted that if the Clan Cameron or the Clanranald attacked their lands, assistance would be given to Mackintosh and Grant to pursue them.¹³⁸ This re-affirmation of Huntly's lordship would bring greater stability in the locality, but it had added benefits for both Grant and Mackintosh. For Mackintosh it would go some way to reuniting the Macphersons whose break from the Clan Chattan expressed their preference for Gordon lordship. For Grant it ensured continued protection of Urquhart and Glenmoriston from attack by the Clanranald and the Camerons, as well as providing assistance in the case of such an eventuality. When the Camerons bonded with Huntly in 1591 it highlighted Grant's vulnerability to attack. Huntly's knowledge of, and influence in, the local situation allowed him to manipulate it to his own advantage, exploiting the weakness of the Mackintoshes and Clan Chattan and the Grants. However, that he took such measures to secure the co-operation of his tenants and dependants questions the extent of his authority. His position in both regional and national terms was conditional on his ability to provide effective lordship and to act as crown agent, policing the north and maintaining stability. Both of these functions required the assistance of local figures yet the earl was not afraid to use his authority to provoke, aggravate and bully them, ultimately manipulating the political situation to ensure dependence on him.¹³⁹

¹³⁶ *CSP, Scotland*, x, 442, 572.

¹³⁷ The Gordon negotiators were Sir Thomas Gordon of Cluny, Sir John Gordon of Petlurg and John Gordon of Glenbuckett. This appears to have been at the instigation of James VI (cf. *CSP Scotland*, x, 572). And see also pp. 176–7 above.

¹³⁸ Fraser, *Chiefs of Grant*, iii, no. 159.

¹³⁹ This was true also of the fifth earl of Huntly often referred to as 'Cock of the North'. While the earls were very powerful, they relied heavily on grass-root support within the central and eastern Highland region.

The death of the earl of Moray certainly provoked Mackintosh and Grant into further action and in February 1592 they contracted a bond in which they pledged to revenge the earl's murder, a clear renunciation of their alliance with Huntly.¹⁴⁰ In response Huntly renewed his alliance with Allan Cameron of Locheil and also contracted a bond with Alexander MacDonald of Keppoch.¹⁴¹ Both men promised to take "afawld and plaine part" with the earl "contrar all and quhat-sumewer personis, the Kingis majestie alanerlie exceptit". Again this was a deliberate attempt by the earl to threaten Grant and Mackintosh and he used these alliances to his advantage, turning a blind eye to the atrocities committed against the two chiefs who suffered heavy losses.¹⁴² The debilitating effects for Grant resulted in his reconciliation to the earl later in the year,¹⁴³ but by 1594 both he and Mackintosh had sided with crown forces at Glenlivet. The period from 1590 to 1592 highlighted the disadvantages of Gordon influence and dominance for chiefs like Mackintosh and Grant. Their attempts to break with the earl threatened his position in the north and ultimately both Grant and Mackintosh were forcibly coerced into renewing dependence on him. Following Huntly's exile both chiefs sought a return to stability and began by reaffirming clan unity.¹⁴⁴

In 1594 Grant set about securing peace following the recent upheaval and enlisted the assistance of the principal men of his clan. They bound themselves to their chief under pain of a fine if "thai satisfie nocht the actis and statutis of his Hienes parliament and generall band".¹⁴⁵ Likewise, Mackintosh's first move was to attempt to unify the Clan Chattan under his chiefship following the split caused

¹⁴⁰ *CSP Scotland*, x, 639–41, 661.

¹⁴¹ *Miscellany of the Spalding Club*, iv, 248. The Mackintoshes were involved in an on-going dispute with the MacDonalds of Keppoch who refused to recognise Mackintosh's title to Glenroy and Glenspean which they received following the forfeiture of 1493. Much like the feud with the Camerons this dispute was interspersed with attempts to resolve the issue.

¹⁴² *CSP, Scotland*, x, 645, 811–2, 815, 817; R. Gordon, *History of the Earldom of Sutherland*, 217–8; NAS GD 176/240; *RPCS*, x, 466.

¹⁴³ Fraser, *Chiefs of Grant*, ii, no. 5; iii, no. 161–2. In 1592 Grant received a bond of manrent from John Dow MacGregor, brother of Alister MacGregor of Glenstray, who promised to assist Grant in his quarrels, excepting the allegiance of the king and the earl of Argyll, while Grant promised to maintain and defend MacGregor in all his honest actions, excepting allegiance to the king and to the earl of Huntly.

¹⁴⁴ *RPCS*, v, 176–7, 179n1; *APS*, iv, 97–8 considered "the proude rebellion, defection and disobedience of the inhabitants of the Ilis and hielandis of this realme".

¹⁴⁵ Fraser, *Chiefs of Grant*, iii, no. 164.

by the Huntly-Moray feud and the temporary separation of the Macphersons. In 1595 he contracted a bond with cadet branches, the Mackintoshes of Gask and the Farquharsons. Mackintosh promised to maintain James Mackintosh of Gask, Donald Farquharson of Tullegument and his three brothers George, Lauchlan and Finlay, and John Farquharson of Endercauld against their enemies, and in return they promised to serve their chief against “all persons”.¹⁴⁶ After reaffirming bonds of socio-economic manrent, kinship and clientage within their clans, both chiefs re-focussed onto wider issues. Once again Grant sought protection of his lands of Urquhart and Glenmoriston and in 1596 received caution from a number of individuals that they would not molest his estate.¹⁴⁷ The following year Grant reinforced the alliance with the MacDonalds of Glengarry contracting a bond “for guid ordour and freindschipe, mutwall luif and kyndnes” although this was the result of prompting by external parties. In 1596 James VI had ordered the apprehension of Glengarry who had failed to appear before council to give account of the actions of his kinsmen and other individuals inhabiting his lands. The bond of manrent to Grant was a result of the “awyce off men off law”. Excepting obligations to the king and his chief, Glengarry promised to assist Grant in his “actionis and caussis quhatsumewer”, and that he would assist Grant if his lands were attacked, specifying aid to defend Urquhart and Glenmoriston.¹⁴⁸

The return of Huntly to Scotland in 1596 after only a brief period of exile and his rapid restoration to political dominance in the north resulted in a spate of bonding between parties in the north.¹⁴⁹ It prompted Mackintosh to exchange manrent and maintenance with John Stewart, earl of Atholl, in June 1597 on account of the

faithful service . . . rendered to his predecessors by his good friend, Lachlan M’Kintosche of Dunachtane and his predecessors, and for the voluntary bonds of manrent and service given to him by the said Lachlan, promising upon his oath to fortify, assist and maintain him

¹⁴⁶ Paton, *Mackintosh Muniments*, no. 168. Both parties excepted allegiance to the king.

¹⁴⁷ Fraser, *Chiefs of Grant*, iii, no. 165, from Sir Thomas Gordon of Cluny, cautioner for Angus MacAlister Macinnes and Thomas MacAlister Macinnes.

¹⁴⁸ Fraser, *Chiefs of Grant*, iii, no. 167.

¹⁴⁹ Huntly had returned to Scotland in 1596 although his forfeiture was not reduced until December 1597.

in all his good and honest actions, as long as the said Lachlan and his heirs keep their bonds to him.¹⁵⁰

Although the timing of Mackintosh's bond suggests he was forging alliances with other lords for protection following Huntly's return, the wording conveys Atholl's expectation that Mackintosh would look to Huntly for lordship once the earl's power in the north had been restored. Grant also entered into a bond of friendship with Atholl, accompanied by a new lease of the lands Clava, which he already held from the earl, for a further five years and ratification of all previous bonds contracted by the two parties. Grant received the protection of the earl who promised to take part with the chief in all matters, excepting obedience to the king. The bond went on to state that

at quhat tyme soeuer the said Johne Grant sall move or wndertak the samin himself, vpon quhatsumeuer occasionis, and sall prosequut the samin with him and his foirsaidis to the end; and sall neuer be friend, be word, deid, counsall nor assistance, to na persone nor personis to quhome it salhappin the said Johne to declair feid or haitrent, bot sall fortifie, concur and assist with the said Johne in all and be all thingis abouewrittin, aganeis all deadly, exceptand as is befor exceptit.¹⁵¹

The quick succession of these bonds to Atholl gives some indication of the heightened sense of vulnerability of Mackintosh and Grant in the central Highlands in anticipation of Huntly's actions following reassertion of Gordon power. Gaining effective lordship was crucial but Mackintosh was aware of the need to maintain alliances with neighbouring clans. In November 1597 he reinforced marital kinship with the Mackenzies by contracting a bond with Kenneth Mackenzie, twelfth of Kintail, whereby each promised to assist the other in their "honest and lawful concerns".¹⁵² This bond excepted only the authority of the king, not any regional lord. Wary of Huntly's earlier alliance with enemies of the chief, in 1598 Mackintosh reached agreement with Allan Cameron of Locheil over the lands of Glenlui and Locharkaig. Bonds of manrent and maintenance were exchanged

¹⁵⁰ NAS GD 176/178, GD 176/179. Following the death of John Stewart, fifth earl of Atholl, in 1595 the earldom reverted to the crown through failure of male heirs. James VI regranted the earldom to John Stewart, Lord of Innvermeath.

¹⁵¹ Fraser, *Chiefs of Grant*, iii, no. 169. His lands were to be held from Dame Marie Ruthven, Countess of Atholl, wife of the earl.

¹⁵² NAD GD 176/182.

and while Cameron excepted obedience to the king and Huntly, Mackintosh only acknowledged the superior authority of the crown.¹⁵³ More importantly, Mackintosh secured the loyalty of Cameron in the eventuality of future disagreement between Mackintosh and Huntly. Despite excepting allegiance to Huntly, Cameron promised to take the part of Mackintosh in any dispute between Mackintosh and the earl, a tacit acknowledgement of the damage that Huntly's manipulation of the Mackintosh-Cameron feud had inflicted in the recent past. Contrary to all efforts by the successive Cameron and Mackintosh chiefs to settle their dispute, the extent of Huntly's lordship in the central Highlands had allowed him to follow a divide and rule policy in the early 1590s, intensifying unrest in the north which, in turn, ensured he gained additional powers to restore order. Unfortunately, recognition on the part of Mackintosh of the detrimental impact of Huntly's lordship did not prevent the Clan Chattan directing their chief towards reconciliation with the earl.

In 1597 James Mackintosh of Gask and his two sons, Lauchlan and William, gave a "faythful, leill, trew and honest band and serweis" to Huntly who promised to "accept, remitt, and resaw" them in his favour as "his lordschipis proper natyw tenenttis and serwandis".¹⁵⁴ In 1600 Angus Williamson Mackintosh of Termitt, and his sons Lauchlan, John and Alexander, gave a bond on behalf of themselves, their friends, servants and dependants to Huntly, now first marquis, who promised not to make trouble for Angus and to discharge him of all involvement in the recent trouble between his chief, Mackintosh, and the marquis.¹⁵⁵ But although cadet branches of the Clan Chattan were willing to renew dependence on Huntly as their lord and sought to make their peace with him, the situation with the Mackintosh chief was different. In 1597 the two men reached

¹⁵³ NAS GD 128/31/2/38&39; NAS GD 176/187; *Memoirs of Sir Ewen Cameron of Lochiel, chief of the Clan Cameron with an introductory account of the history and antiquities of that family and of the neighbouring clans* (ed.) J. MacKnight (Edinburgh, 1842), 37–44. Mackintosh wadset half the lands for 6000 merks suspending reversion for nineteen years and granted the other half in feu for service only. He also gave a bond of maintenance whereby Lauchlan promised that if he summonsed the Camerons for service he would send his son as a pledge for their safe return. If Cameron broke his bond it would result in the forfeiture of his lease, but any such matters would be submitted to arbitration and provision for this was contained within the agreement.

¹⁵⁴ NAS GD 44/13/9/13; *Miscellany of the Spalding Club*, iv, 249–50.

¹⁵⁵ *Miscellany of the Spalding Club*, iv, 253–4. The sixth earl of Huntly was created first marquis in 1599.

agreement over matters concerning Huntly's institutional lordship, but there was no reaffirmation of personal lordship.¹⁵⁶ This state of affairs must have placed some strain on clan unity but the chief's actions before his death in 1604 suggest an ongoing refusal to accept Gordon lordship as well as upheaval within the clan. In 1599 Mackintosh attacked the Campbells of Cawdor, killing some of them. Central government interpreted this as Mackintosh's effort to "assure Huntly of him".¹⁵⁷ This is questionable as Mackintosh appears to have refused, before and after, to return to dependence on the earl. Rather this attack on the Campbells was connected with the dispute over the inheritance of Jean Campbell, widow of Angus Mackintosh, eldest son of the Mackintosh chief.¹⁵⁸

The unruly behaviour brought Mackintosh to the attention of central government concerned with the resetting of broken men in the central and eastern Highlands. Consequently, throughout 1602 and 1603 Mackintosh was charged on a number of occasions to appear before council regarding broken men on his estate and his responsibility to apprehend them.¹⁵⁹ In July 1602 he was accused of stealing cattle and although he admitted his guilt he refused to make any compensation for his actions.¹⁶⁰ While there were complaints about the actions of the Clan Chattan, there were numerous complaints about Mackintosh himself who flouted government legislation by entertaining broken and men and "vagabonds" on his lands.¹⁶¹ In February 1602/3 Mackintosh was once more put to the horn because he had not restrained the "misreule and insolence" of broken men on his estate.¹⁶² This degree of unrest appears to have stemmed from internal clan upheaval. While the Clan Chattan

¹⁵⁶ Paton, *Mackintosh Muniments*, nos. 180, 183. Agreement was reached concerning arrears of rents for certain lands, whereby Mackintosh would pay Huntly £3000 Scots in return for discharge of rents.

¹⁵⁷ *CSP Scotland*, xiii, 555, states in 1599 "Macintosh (M'entoishe) has . . . slain some of the Campbells of the house of Cawdor (Caldell) which upon Argyll's return may quicken to troubles between Argyll and Huntly, this being done as is thought to assure Huntly of him".

¹⁵⁸ Mackintosh had forcibly removed Jean and her second husband Donald Campbell of Barbreck from lands in the lordship of Petty. This attack on lands in Petty may well have spilled over into a wider attack on the lands of Campbell of Cawdor which were in close proximity. See also pp. 108–9 above.

¹⁵⁹ *RPCS*, v, 269, 401, 404.

¹⁶⁰ *RPCS*, v, 425–6, 481.

¹⁶¹ *RPCS*, v, 429–30, 435, 500–1, 536.

¹⁶² *RPCS*, v, 537.

continued to adhere to Huntly, Mackintosh refused to accept Gordon lordship. Mackintosh may have hoped to use the broken men on his lands to cause further trouble for the earl, but his inability to maintain clan cohesion was evidently causing unrest in the locality.

The death of Mackintosh, sixteenth chief, in 1604 and the minority of his grandson and heir, Lauchlan, seventeenth chief, saw a reassertion of Campbell influence within the Mackintosh clan as kin of the young chief's mother, despite recent events. Although Hucheson Rose of Kilravock had the wardship and marriage of the young chief, when Mackintosh reached the age of fourteen in 1608 he was allowed to nominate his own guardians.¹⁶³ On his father's side, Mackintosh nominated William Mackintosh of Benchar, tutor, Angus Williamson Mackintosh of Termit, William Mackintosh of Rait and Sir Alexander Hay, the king's secretary. On his mother's side he chose Archibald Campbell, seventh earl of Argyll, Sir John Campbell of Cawdor, William Campbell of Breachly and Donald Campbell of Barbreck, his mother's husband.¹⁶⁴ The careful selection of these figures was a move to put to rest the recent dispute between the clans and forge a closer alliance between the Mackintoshes and the Campbells. But while Campbell influence was significant for the young chief, the realities of lordship for the entire clan in the central and eastern Highlands were rather different. The Mackintosh and Clan Chattan bond of union contracted in 1609 at Termit designated the marquis of Huntly and the earl of Moray as 'masters' of the clan.¹⁶⁵ Regardless of shifting alliances in the last decades of the sixteenth century, the early seventeenth century saw a return to Huntly's dominance in the north and to traditional patterns of lordship for the clan as a whole. However, that Huntly and Moray were both specifically mentioned in the bond suggests that although political conformity had not been achieved, unity was secured through a compromise between the Mackintosh chief, cadet branches and satellite kindreds.

¹⁶³ NAS GD 176/194.

¹⁶⁴ Paton, *Mackintosh Muniments*, no. 217.

¹⁶⁵ NAS GD 128/31/1/1. The earldom of Moray had passed to James Stewart, Lord Doune, eldest son of the late earl.

1609 and its impact at local level

The reign of James VI saw a determined effort to extend royal authority over the church, the nobility and the Highlands, aspects of Scottish society that James felt needed to be constrained following his long and turbulent minority. His policy, or policies, towards the Highlands have been the subject of considerable attention in comparison to any examination of those of his predecessors.¹⁶⁶ Although James instigated some measures of his own, he adopted and adapted those favoured by his grandfather and great-grandfather, royal expeditions to the region, making clan chiefs accountable for their clansmen and tenants, forfeiture and eviction, as well as co-operation with loyal clans. Like James IV and James V he was aware of Highlander involvement in the north of Ireland and although at the outset of his reign he was happy to turn a blind eye to the problems this caused Elizabeth, as his thoughts became ever more focussed on the English succession James realised that action had to be taken. His concern was more complex than a straightforward extension of law and order in the region and a demand that Highland chiefs acknowledge his authority. As the well-educated monarch that he was, James was all too aware of the classical view that the north was a cold, dark place inhabited by primitive peoples and looked to the Highlands as his own 'north', focussing on Gaeldom as an uncivilised society with a barbaric language which threatened the

¹⁶⁶ A.I. Macinnes, "Crown, Clans and Fine: the 'Civilizing' of Scottish Gaeldom, 1587–1638", *Northern Scotland*, 13 (1993), 31–55; A.I. Macinnes, *Clanship, Commerce and the House of Stuart, 1603–1788* (East Linton, 1996), 56–87; J. Goodare, "The Statutes of Iona in Context", *SHR*, lxxvii, i, no. 203 (1998), 31–57; J. Goodare, *The Government of Scotland 1560–1625* (Oxford, 2004), 220–45; D. Stevenson, *Alasdair MacColla and the Highland Problem in the Seventeenth Century* (Edinburgh, 1980, reprinted 2003), 21–31; M. Lynch, "James VI and the 'Highland Problem'" in J. Goodare & M. Lynch (eds.), *The Reign of James VI* (East Linton, 2000), 208–27; R.A. Dodgshon, *From Chiefs to Landlords. Social and Economic Change in the Western Highlands and Islands, c.1493–1820* (Edinburgh, 1998), 102–7; M. Lee, *Government by Pen: Scotland under James VI and I* (Urbana & Chicago, 1980), 75–82; M. Lee, *The 'Inevitable' Union* (East Linton, 2003), 133–44 have all focussed on James VI. In comparison, N. Macdougall, "Achilles' Heel?: The Earldom of Ross, the Lordship of the Isles, and the Stewart Kings, 1449–1507" in E.J. Cowan & R.A. McDonald (eds.), *Alba. Celtic Scotland in the Medieval Era* (East Linton, 2000), 248–75; N. Macdougall, *James IV* (East Linton, 1997); J. Cameron, *James V* (East Linton, 1998); A. Cathcart, "Symbolic figurehead or political opportunist?: the rebellions of Donald Dubh" in R.D. Oram (ed.), *The Lordship of the Isles* (forthcoming) have touched on the policies of James IV and James V but not in any great depth.

very stability not only of his own realm but of his vision of 'Great Britain'.¹⁶⁷ In order to integrate his 'north' into wider Scottish society James planned to extend Lowland 'civic' virtues throughout the Highlands, turning unruly, backward Highlanders from barbarous inhabitants to obedient, God-fearing subjects. Underlying this effort, however, was the pressing need for James to ensure the crown reaped its full financial returns from the region, something which until the early seventeenth century had not been achieved. Forfeiture and eviction, commissions of lieutenancy and justiciary, caution and surety, and extirpation were methods James employed sporadically, but never consistently, during his reign and which, by and large, had been unsuccessful. Unfortunately for James his policy of plantation for the Highlands, beginning with the island of Lewis, would meet a similar fate.¹⁶⁸ However, the first decade of the seventeenth century saw James come to the understanding that conciliation and not coercion was the best means of dealing with the Highland chiefs, the result being an agreement more commonly known as the Statutes of Iona of 1609. Arguably, this was one of the most important pieces of legislation in relation to James VI's attempts to deal with the Highlands.¹⁶⁹

The Statutes of Iona of 1609 signify James VI's realisation that co-operation with the main Highland chiefs like MacDonald of Dunivaig, Maclean of Duart, Macleod of Dunvegan and Harris and others was a more profitable policy than coercive legislation.¹⁷⁰

¹⁶⁷ A.H. Williamson, "Scots, Indians and Empire: the Scottish politics of civilisation 1519–1609", *Past & Present* (1996), 46–83.

¹⁶⁸ J. Goodare, *The Government of Scotland*, 220–45 considers James' policy of colonisation within a comparative, theoretical framework. Unfortunately, this imposes a long-term plan on James' policies that evidently did not exist. See also pp. 50–6 above.

¹⁶⁹ Some historians, like Macinnes and Goodare, continue to argue over the importance of the statutes, placing greater emphasis on their renewal and extension in 1616–17 (cf. A.I. Macinnes, "Crown, Clans and Fine", 31–55; A.I. Macinnes, *Clanship, Commerce and the House of Stuart*, 56–87; J. Goodare, "The Statutes of Iona in Context", 31–57). In contrast, Martin MacGregor has argued for the significance of the original statutes (cf. M. MacGregor, "The Statutes of Iona, 1609", unpublished paper delivered at *Rannsachadh na Gàidhlig*, 2004, University of Edinburgh). See also J. Goodare, *The Government of James VI*, 220–45; D. Stevenson, *Alasdair MacColla and the Highland Problem*, 21–31; M. Lynch, "James VI and the 'Highland Problem'", 208–27; R.A. Dodgshon, *From Chiefs to Landlords*, 102–7; M. Lee, *Government by Pen*, 75–82; M. Lee, *The 'Inevitable' Union*, 133–44.

¹⁷⁰ J. Goodare, "Statutes of Iona in Context", 38, 41; M. MacGregor, "The Statutes of Iona, 1609".

This was not a new initiative on the part of the Scottish crown as throughout much of the sixteenth century there had been periods when serious attempts were made by different monarchs to reach a level of compromise and agreement with Highland society. This had varying degrees of success and the achievements of James VI in the early seventeenth century need to be put into context. By time the statutes were being drafted many Highland chiefs had recognised that increased crown and government involvement in the region was a reality and not something that would diminish. Some chiefs, like Mackintosh of Dunachton, Grant of Freuchy and Mackenzie of Kintail, had understood much earlier the benefits of co-operation with the crown. After all, these clan chiefs of the central, eastern and north Highlands had been a crucial part of James IV's attempts to bring peace to the western Highlands and Isles and by the end of the sixteenth century this was to become more widely recognised.¹⁷¹ It was the acceptance of this new political reality by clan chiefs that saw them come to an accommodation with the crown which laid the groundwork for their annual appearance before the council and acknowledgement of their responsibility for the actions of their clansmen, tenants and dependants.¹⁷² Co-operation with the crown had ensured the survival and expansion of the lesser clans of the central and eastern Highlands like the Mackintoshes and the Grants while for the north Highland Mackenzie clan, the full rewards of such a policy was realised in 1623 when Colin Mackenzie of Kintail, chief of the clan was created first earl of Seaforth. Nonetheless, continuing disorder in the west caused by inter-clan feuding among the Clan Donald and neighbouring clans meant there was less co-operation between west Highland and island chiefs and the crown. In 1609 it was this section of Highland society that was the focus of crown and government attention.

The Statutes of Iona themselves were a product of negotiations between Andrew Knox, Bishop of the Isles, and a number of Highland chiefs, the majority of whom were the heads of west coast and island clans, including Angus MacDonald of Dunivaig, Hector Maclean of

¹⁷¹ Arguably initial Mackenzie co-operation had not been a conscious decision, but rather the result of pragmatic political needs as they sought allies and protection from incursions of the Clan Donald following the forfeitures of 1476 and 1493.

¹⁷² James VI introduced "surety and caution" for Highland chiefs and landlords of the region.

Duart, Donald Gorme MacDonald of Sleat, and Rory Macleod of Harris.¹⁷³ Although the statutes were extended to the Highlands in general the legislation was born out of attempts to co-operate with west Highland clans.¹⁷⁴ Recently Martin MacGregor has examined the view of historians who have analysed the statutes within a constitutional and legislative framework and asserted that they were a significant landmark in crown-clan relations, laying the foundation for much that would follow and emphasised the central role of James in drawing up and implementing this policy.¹⁷⁵ James himself had written to the commissioners appointed for the improvement of the western isles expressing his desire to impart “the Gospell among these rude barbarous and uncivill people. . . . Such wild savageis voide of Godis feare and obedience”, adding that such a policy would end “the losse we have in nocht resaving the dew rentis addebit to us furth of those Yllis”.¹⁷⁶ However, the statutes were not aimed solely at securing full rental returns. Allan Macinnes has re-evaluated the view that the statutes amounted to nothing more than an attack on Gaelic culture, highlighting the intention to improve the standard of living within the region, as well as pointing to the economic, religious and military aspects of the legislation.¹⁷⁷ While the statutes were not an attack on Highland society they do embody James’ disgust of the Gaelic language and his desire to eliminate it through the education of future clan chiefs in the English language along with his wish to inculcate the Highlanders with Lowland values, limit the chiefs’ military capacity, and diminish the extent of sorning within the region. As Goodare and Macinnes point out, this legislation was reinforced in 1616–17 and additional measures added but by that time the statutes had been accepted, at least by the main Highland chiefs who negotiated the agreement of 1609. Dealing primarily with west Highland and island chiefs at this time, the crown paid little

¹⁷³ *RPCS*, ix, 26–30; *Collectanea de Rebus Albanicis*, 113–5.

¹⁷⁴ J. Goodare, “The Statutes of Iona in Context”, 38, 43, n. 43, 50, 55. Julian Goodare has argued one of the major shifts in crown policy accompanying the statutes was the attempt to work with Highland chiefs who submitted to royal authority, but this was a policy used throughout the sixteenth century.

¹⁷⁵ J. Goodare, “The Statutes of Iona in Context”, 31–57; J. Goodare, *The Government of Scotland*, 220–45; M. Lee, *The ‘Inevitable’ Union*, 133–44; M. MacGregor, “The Statutes of Iona, 1609”.

¹⁷⁶ *Collectanea de Rebus Albanicis*, 155.

¹⁷⁷ A.I. Macinnes, “Crown, Clans and Fine”, 31–55; A.I. Macinnes, *Clanship, Commerce and the House of Stuart*, 56–87.

attention to the central and eastern Highlands, indeed, the clauses dealing with military retinues had in mind west Highland traffic to the north of Ireland.¹⁷⁸ But while the west Highland and island chiefs were the main focus of this legislation, clans of the central and eastern Highlands were fully aware of the agenda of crown and government.

In 1609 while negotiations were under way concerning the Statutes of Iona the Mackintoshes and Clan Chattan resorted to their own measures to emphasise the extent of the clan's co-operation with crown and government and to counter fears regarding the behaviour of the clan. As Lauchlan Mackintosh, sixteenth chief, had been declared a rebel for his failure to appear before the privy council in 1603, his death the following year increased government concerns over the stability of the central Highlands. Considering previous episodes of unrest on the part of the Clan Chattan there were fears that the clan would "begyn to renwe thair bigane wicked trade of lyff".¹⁷⁹ As Lauchlan Mackintosh, seventeenth chief, was still a minor, the absence of an adult chief who could be held accountable for the actions of the clan was a worry, compounded by uncertainty as to whether the clan would adhere to the marquis of Huntly. In an attempt to secure stability in the central and eastern Highlands the leading men of the clan, along with Mackintosh's guardian William Mackintosh of Benchar, were called to appear before the council and give promises of good behaviour. At the same time, the responsibility of the young chief's education was given to John Campbell of Cawdor, already chosen by Mackintosh as one of his guardians.¹⁸⁰ Campbell involvement with the clan was reassuring for central authority. As the Campbell earls of Argyll were major figures in government and loyal subjects the view was that the Campbells of Cawdor would provide a stabilising influence over that clan, contrasting with the recent upheaval caused by Gordon dominance in central and north Scotland. But while the Mackintosh chief was connected to the Campbells, the majority of the Clan Chattan had re-established dependence on the marquis of Huntly. The need to maintain a political balance between the regional influences of Huntly, Argyll and Moray placed the clan in a difficult position especially in the light of increased pressure from the government.

¹⁷⁸ A.I. Maciness, *Clanship, Commerce and the House of Stuart*, 56–9, 67–9.

¹⁷⁹ *RPCS*, vii, 290.

¹⁸⁰ See p. 200 above.

Traditional clan policy had been one of adherence to the crown, usually through co-operation with regional authority, but conflict that resulted from the interaction between regional authority and local alliances at the end of the sixteenth century had caused considerable unrest within the Mackintoshes and Clan Chattan and across the central and eastern Highlands. Disorder in this region was not welcomed at a time when James was initiating his policy of co-operation with chiefs in the west and the privy council was concerned unruly islesmen might attempt to find refuge further east.¹⁸¹ Consequently, in 1607 William Mackintosh of Benchar and Angus Williamson Mackintosh of Termitt were put to the horn after their failure to appear before the council “to answer touching the good rule of those for whom the late Lauchlan was liable”.¹⁸² They were given until 21 May 1609 to appear. This threat of government action at a time when clan cohesion and stability was weak forced William Mackintosh of Benchar to take steps to ensure the preservation of the clan. On 4 April 1609 Mackintosh of Benchar, along with Mackintosh of Dunachton, the future chief, and the heads of cadet branches and satellite kindreds of the Clan Chattan, contracted a bond of union.¹⁸³ William was aware of the fragile nature of the clan following the recent events in the north, heightened by the minority of the chief and intense pressure from central government. While the bond of union was an attempt to provide solidarity between the various cadet branches and satellite kindreds, there was an obvious external objective as well. The contraction of the bond sought to appease concerns of government by presenting the clan as obedient and co-operative subjects of the crown. In doing so, Mackintosh of Benchar adhered to traditional clan policy of loyalty to the crown, alongside co-operation with regional authority.

The bond of union, therefore, was motivated as much by internal weakness as by external pressures and it sought to renew the principles of co-operation. The bond admitted past “controversies questions and debates” had arisen between different cadet branches and satellite kindreds, acknowledged that crimes had been committed by one group on another, yet expressed hope that “perpetual

¹⁸¹ *RPCS*, viii, 751.

¹⁸² The principal men of the clan were called to give surety for their behaviour on a number of occasions during the minority of their young chief (cf. *RPCS*, vi, 399; vii, 290, 368, 746, 751).

¹⁸³ NAS GD 138/31/1/1.

friendship amity and kindness” would prevail. It emphasised the “sundry other motives and occasions” that encouraged stability, a clear reference to socio-economic manrent, political and military co-operation that would ensure cohesion. This projected assertion of how the clan should be was followed by a reinforcement of the clanish obligations of the clan to their chief and that they as the “haill kin of Clan Chattan . . . takand full burden in and upon them of their kin and friends airs and partakers” promised to “concur assist maintain and defend” William Mackintosh of Benchar as chief until the time that Lauchlan Mackintosh of Dunachton would be able to take over the running of clan affairs himself.¹⁸⁴ The various cadets and satellites “united incorporat annex copulate and insinuat themselves in one bond” to Mackintosh of Benchar as their chief and promised to defend and maintain each other.¹⁸⁵ This reaffirmation of the bonds of kinship and clientage was designed to restore clan unity after a period of dislocation through a renewal of the obligations within clanship, combined with provision for dispute resolution should discontent emerge in the future.

Enshrined within the bond was provision for recourse to arbitration to deal with internal clan disputes in order to bring about quick resolution and prevent escalation of petty squabbles. In such instances Mackintosh of Benchar would elect twelve members of the leading men of the clan to judge the dispute according to the principles of arbitration, thereby ensuring the best outcome for all parties concerned through compensation and reparation. While acknowledging there would be disagreement within the clan, Mackintosh of Benchar also recognised that often external forces were the cause of such variance. The impact on the clan of conflicting spheres of regional authority as well as the dominant authority of successive earls of Huntly had been evident on a number of occasions but these were issues that, as yet, remained unresolved for the clan. The designation of the marquis of Huntly and the earl of Moray as ‘masters’ of the clan conveys a level of compromise between the constituent parts of the Mackintoshes and Clan Chattan. While the Clan Chattan had consistently adhered to the earls of Huntly throughout the sixteenth century, the Mackintosh chiefs on a number of occasions had allied with the earls of Moray. Acknowledging loyalty to both earls ensured

¹⁸⁴ NAS GD 128/31/1/1.

¹⁸⁵ NAS GD 128/31/1/1.

that Mackintosh of Benchar did not have to nail his colours to the mast, but this ambiguity left the door open for future disputes over the need for effective lordship.

Mackintosh of Benchar avoided declaring allegiance to one or other regional lord, but he did ensure the bond was inserted into the Books of Council and Session, Sheriff, Commissary and Burgh Court Books of Inverness to give it legal backing. In signing the bond, the heads of cadet branches and satellite kindreds promised to “stand at and perform the points . . . and never to revoke or come in the contrar thereafter”. If they did break any of the principles enshrined within it, action could be taken against them. In addition, this measure gave crown and government greater assurance of the sincerity of the clan in maintaining law and order, and in formally acknowledging Lauchlan Mackintosh of Dunachton as their future chief who would be held accountable for the actions of the clan. Therefore, the bond was carefully drafted in a way that conveyed outward confidence and obedience on the part of the clan, as well as internal unity and stability. On closer examination of the bond within the local context, however, it actually signified the weaknesses of the clan at the time, not its strength. Nevertheless, the bond of union had a clear purpose. It was a written expression of loyalty and obedience to regional and central authority, an obligation and reassurance of the good behaviour of the entire clan for which Mackintosh of Benchar was responsible until the future chief came of age. It was also a reaffirmation of the bonds of clanship that kinship and clientage were designed to secure.

CHAPTER SIX

CONCLUSION

That the majority of Highland historiography concentrates primarily on the west Highlands and Isles is partly the result of an ongoing interest in clans like the Campbells and the MacDonalds as well as Scottish activity in Ireland. Unfortunately this focus has contributed to a common perception within mainstream Scottish history of the Highland region as homogenous although the divergent political views within clan society have been highlighted for the seventeenth and eighteenth centuries.¹ This book has attempted to go some way towards redressing this imbalance in Highland history by concentrating on clans of the central and eastern Highlands and emphasising the varying experiences of clans within different parts of the Highlands. In the west, for example, naval power and knowledge of waterways was vital. Water was also of great importance in central Scotland although mainly because of its produce rather than as a means of communication, as the extent to which fishing rights were carefully guarded testifies. While in terms of culture and language the central and eastern region was part of the Highlands, proximity to the Lowlands brought greater interaction with the east and in many respects central Scotland was a 'frontier' between the Lowlands and Gaelic society with local clans interacting with Lowland lords. Geographically and politically, therefore, the west was much further from Edinburgh, increasingly the centre of government and law within Scotland, and from the point of view of the crown was in dire need of the strong hand of royal authority.

Since 1266, when the western isles had been ceded to the Scottish crown, the region had experienced direct royal intervention as was the case throughout most of the fifteenth and sixteenth centuries. In contrast, the central and eastern Highlands were used to delegated authority, usually through a succession of regional lords as the role

¹ A.I. Macinnes, *Clanship, Commerce and the House of Stuart, 1603–1788* (East Linton, 1996). For a recent example of how historians treat the Highlands as a complete entity see J. Goodare, *Government of Scotland 1560–1625* (Oxford, 2004), 220–45.

of maintaining law and order in the central Highlands was passed to the king's lieutenant. This had proved in the past to be an effective way of implementing royal authority and certainly the career of Alexander Stewart, earl of Mar, had brought a period of stability to the region. In a region less accustomed to direct royal intervention it is perhaps unsurprising that the Gordons were able to establish their influence so quickly. The rise of the earls of Huntly accompanied and facilitated by the demise of the MacDonald lordship ensured that experiences of clans in both regions would be remarkably different throughout the late fifteenth and sixteenth centuries. While Gordon lordship, by and large, was accepted and sought after by clans in the central and eastern Highlands the efforts of the family to extend its influence across to the west coast and throughout the northern isles was met with hostile opposition. The majority of clans in the western Highlands and Isles consistently opposed the efforts of both the earls of Huntly and Argyll to implement royal authority. Of course there were exceptions, such as the Mackenzies of Kintail, for neither should the west Highlands nor the central and eastern Highlands be regarded as homogenous either. Indeed, the Mackenzies were part of a policy initiated by James IV, and continued by his successors, of working with co-operative clans. James IV sought to use obedient and law-abiding clans to spread stability into the west Highlands and isles by granting lands in the central, eastern and north Highlands to a number of clan chiefs like Mackintosh, Grant and Mackenzie.

Throughout the period from 1451 to 1609 clans like the Mackintoshes and Clan Chattan and the Grants experienced royal authority through the regional lordship of the Gordon earls of Huntly. Although the crown was not reluctant to intervene itself if circumstances dictated, for the most part law and order was maintained through commissions of lieutenancy. No monarch ever embarked on expeditions into the central and eastern Highlands in the same way as they did in the west Highlands and Isles. Admittedly, James IV's naval power could not be so easily conveyed to clans in Badenoch as it could to those living on Skye or in Ardnamurchan, but neither was it regarded as necessary. The grant of Badenoch to Alexander, first earl of Huntly, was a marked shift in crown policy. Prior to 1451, Badenoch had only been granted for life but the grant to Huntly was hereditary, thereby securing the efforts of loyal crown agents in policing the central and eastern Highlands.

This study of clan society begins with the 1451 crown grant of Badenoch to the earl of Huntly and culminates in 1609, the year the Statutes of Iona were implemented but a year that also had significance for the Mackintoshes and Clan Chattan in terms of reaction to crown policy and relations with regional authority. This long, chronological perspective which spans a century and a half is important for two reasons. Firstly, it allows for the development of crown policy towards the Highlands to be examined in a broader, sixteenth century context rather than concentrating on the policy of only one monarch. The tendency to ignore the steps taken by James IV and James V in attempting to pacify the region has led to the mistaken perception that no coherent Highland policy existed prior to the reign of James VI. Instead, what needs to be understood is the extent to which James IV and James V laid the foundation upon which James VI built. While James VI certainly invested more effort and legislation towards bringing stability to the Highlands, ultimately his success came when he returned to the favoured policy of James IV and James V, that of co-operation with clan chiefs. Secondly, this broad chronological approach allows for closer analysis of regional power and politics. The traditional characterisation of George, fifth earl of Huntly, as 'Cock of the North' and the dominant figure of George, sixth earl and later first marquis of Huntly, in Scottish politics has done little to explore periods of weakness in Gordon influence. By using the Mackintosh and Grant locality to examine royal policy and regional politics, this study emphasises the existence of a fairly coherent and consistent crown policy towards clanship in the central and eastern Highlands as well as raising questions regarding the nature of regional lordship.

In terms of the relationship between successive Mackintosh chiefs and earls of Huntly, Jenny Wormald was correct to argue that the Mackintosh chiefs had Gordon lordship forced upon them, but this should be taken further.² The reason why successive Gordon earls sought reconciliation and used their extensive authority to maintain their lordship over lesser clans in this region was because continuation of such power and influence depended on their ability to work with chiefs like the Mackintoshes and Grants. In other words, while Gordon

² J. Wormald, *Lords and Men in Scotland: Bonds of Manrent, 1442–1603* (Edinburgh, 1985), 118–21.

lordship was welcomed and indeed demanded by the Clan Chattan at times, such as in 1543 when the clan threatened to break with their chief if he did not renew dependence on the earl, at other times successive earls imposed lordship not just because they could but because they had to. This was made evident in the upheaval of 1590 to 1592 when Huntly's dominance in the region depended on his ability to ensure the adherence of lesser clans like the Mackintoshes and Grant. When attempts at reconciliation provided only temporary relief for the earl he resorted to manipulation of clan feuds and internal clan politics to force the Mackintosh and Grant chiefs back into dependence on him. Huntly allied with the Camerons and the MacDonalds of Keppoch, two clans intermittently at feud with the Mackintoshes, and intervened in the Clan Chattan to secure the break-away of the Macphersons, one of the largest satellite kindreds within the clan.

Deliberately designed to weaken the political standing of the Mackintosh chief and force him into an acceptance of Gordon lordship these actions on the part of George, sixth earl of Huntly, emphasise his desperation to secure the manpower provided by the Mackintoshes and Clan Chattan and the Grants as well as his extensive political power which allowed him to manipulate events in the north to his own advantage. The earl's authority in the region is highlighted by the royal commission he received to take action against unruly clans, despite the fact that he had contributed significantly to the ongoing unrest.³ The lasting repercussions of Huntly's attempts to enforce lordship in order to secure his position are also highlighted by the long chronological view. In the wake of the events of 1590 to 1592 Lauchlan Mackintosh of Dunachton, sixteenth chief, continued to cause havoc for the earl and his tenants until his death in 1604 despite a return to national and regional prominence for the earl, later marquis. And it was not until 1609 with the bond of union of the Mackintoshes and Clan Chattan that the authority of the earl of Moray as well as the marquis of Huntly was acknowledged. Prior to this the competing spheres of influence of successive earls of Huntly and Moray had de-stabilised internal clan cohesion for the Mackintoshes and Clan Chattan while for the earls themselves, adherence of clans like the Mackintoshes and Grant played an important role in the expansion or contraction of their sphere of

³ See p. 194 above.

regional influence. In the same way as this study points to the fluctuations in regional political power in the north of Scotland, especially as it impacted on the clans of the central and eastern Highlands, so it offers a more nuanced understanding of Highland clanship and how individual chiefs maintained and expanded political, military and socio-economic power through ties of kinship and clientage.

Recent work has enhanced our understanding of how Highland society operated in political, economic and cultural terms although the importance of kin ties continues to be emphasised.⁴ Indeed, the most widely held view of Scottish clanship emphasises the pivotal role of kinship not only in shaping the basic structure of clan society, but also in determining social and political behaviour.⁵ Kinship was an important element in the structure of society throughout Scotland but studies of individual families would suggest that it was only one of a number of factors which shaped society across the south and east.⁶ Although kinship was perceived to be stronger in the Highlands than in the Lowlands this study suggests that other

⁴ For example, A.I. Macinnes, *Clanship, Commerce, and the House of Stuart*; R.A. Dodgshon, *From Chiefs to Landlords. Social and Economic Change in the Western Highlands and Isles, c. 1493–1820* (Edinburgh, 1998); J. Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots. The Fifth Earl of Argyll and the Struggle for Britain and Ireland* (Cambridge, 2002); M.D.W. MacGregor, “A Political History of the MacGregors before 1571” (University of Edinburgh, unpublished Ph.D. thesis, 1989); W. MacLeod, *Divided Gaels. Gaelic Cultural Identities in Scotland and Ireland, c. 1200–c. 1650* (Oxford, 2004).

⁵ A. Grant, *Scotland 1306–1469: Independence and Nationhood* (London, 1984); J. Wormald, *Scotland 1469–1625: Court, Kirk and Community* (Edinburgh, 1981); R. Nicholson, *Scotland; the later middle ages* (Edinburgh, 1974); *Acts of the Lords of the Isles*; A.I. Macinnes, *Clanship, Commerce, and the House of Stuart*; T.M. Devine, *Clanship to Crofters’ War. The social transformation of the Scottish Highlands* (Manchester, 1994); R.A. Dodgshon, “‘Pretense of Blude’ and ‘Place of Thair Duelling’: the nature of Scottish clans, 1500–1745” in R.A. Houston & I.D. Whyte (eds.), *Scottish Society, 1500–1800* (Cambridge, 1989); R.A. Dodgshon, *From Chiefs to Landlords*; J.E.A. Dawson, *The Politics of Religion in the Age of Mary Queen of Scots*; E.J. Cowan, “Clanship, Kinship and the Campbell acquisition of Islay”, *SHR*, lviii (1979), 132–57; W.D.H. Sellar, “Highland Family Origins—Pedigree Making and Pedigree Faking” in L. Maclean (ed.), *The Making of the Highlands in the Middle Ages* (Inverness, 1981), 103–16; J. Wormald, “Bloodfeud, Kindred, and Government in Early Modern Scotland”, *Past & Present*, 87 (1980), 54–97.

⁶ M.G. Kelly, “The Douglas Earls of Angus: A Study of the Social and Political Bases of Power of a Scottish Family from 1389 until 1557” (University of Edinburgh, unpublished Ph.D. thesis, 1973); M. Meikle, “Lairds and Gentlemen: a study of the landed families of the eastern Anglo-Scottish borders 1540–1603” (University of Edinburgh, unpublished Ph.D. thesis, 1989); M. Brown, *James I* (Edinburgh, 1994); M. Brown, *The Black Douglases: war and lordship in late medieval Scotland, 1300–1455* (East Linton, 1998).

factors were at work here too.⁷ Clan society has been described as a combination of kinship, feudalism and local association, emphasising that while kinship was present, internal and external clientage, local alliances, tenurial superiority and personal lordship were vital in maintaining the clannish relationship.⁸

This examination of the Mackintoshes and Clan Chattan and the Grants has analysed the means by which clan chiefs used blood, marital and fictive kinship to ensure internal clan stability. But as kinship alone was not enough to secure cohesion it was reinforced through socio-economic manrent, political and military co-operation.⁹ Although clans expanded through descent lines and the incorporation of lesser kindreds and individuals into the clan, chiefs also extended their influence through the creation of client relationships with kindreds in the locality and further afield. This was necessary, as highlighted through the example of the Grants, in order to protect and defend lands, cadet branches and tenants geographically remote from the main clan estate. Indeed as chiefs acquired disparate estates so their need for external clientage with both lesser kindreds and other clans increased. By forging and maintaining obligations within and between clans, albeit obligations that had nothing to do with kinship, chiefs like the Grants of Freuchy were able to reinforce clan unity. Meanwhile, issues of tenurial superiority and an inability to align the *duthchas* with the *oighreach* saw chiefs develop complex and sophisticated alliance networks, primarily defensive in nature. In contrast to the perception at the centre that the Highlands were lawless and unruly, these defensive mechanisms were adopted by chiefs in order to limit unrest or provide quick resolution to any feuds that did erupt.

Client relationships that secured political and military allies were of immense importance but this did not mean chiefs ignored traditional methods of creating marital or fictive kinship. Usually political or military alliances were reinforced through marriage with bonds and

⁷ T.C. Smout, *A History of the Scottish People, 1560–1830* (London, 1972), 43 suggests “Highland society was based on kinship modified by feudalism, Lowland society on feudalism modified by kinship”.

⁸ A.I. Macinnes, “Social Mobility in medieval and early modern Scottish Gaeldom: the controvertible evidence”, *TGSI*, lviii (1992–94), 371.

⁹ According to anthropologists, the “four privileged institutions . . . conceived to be a natural, universal, vital component of society” are kinship, politics, economics and religion. Kinship is regarded as the defining factor in so-called ‘primitive’ societies although D.M. Schneider, *A Critique of the Study of Kinship* (Michigan, 1989), 187, 197 has argued too great an emphasis has been placed on kinship.

contracts adopting kinship terminology. The emphasis on 'kyndnes' suggests the existence of kinship and conveys the importance attached to kin relations although often the language of kinship was adopted in instances where no ties of blood, marital or fictive kinship actually existed. In 1488 George, second earl of Huntly, referred to Duncan Mackintosh, chief of the Mackintoshes and Clan Chattan as "beloved cousin" although this was a bond between a superior and his tenant.¹⁰ In 1568 Lauchlan Mackintosh of Dunachton, sixteenth chief, as a way of resolving the issue of Rothiemurchus with Grant of Freuchy sought to "intertaine sic frendship and familiaritie . . . as was betuix my forbearis and the Laird of Grants forbearis".¹¹ Despite the fact that Mackintosh's sister was already married to Grant's son and heir, Mackintosh proposed a further two marriage alliances with the Grants for the "keiping of luf, amitie, and frendship ather witht other, as vse of bluid and alya is". This was a direct reference to the use of marital and fictive kinship to create and reinforce 'bluid' and 'alya'. Unfortunately, it did not work with the dispute only being settled through arbitration.

Chiefs repeatedly initiated and reinforced relationships whether of blood and fictive kinship, internal or external clientage. Examination of the means by which these relationships were created and maintained and the adoption of a long chronological perspective offers a greater understanding of these alliance networks. Through such an approach the reasons why chiefs contracted bonds and marriages, how cadet branches established themselves as independent clans, and how clans preserved internal cohesion, becomes evident. Nonetheless, the example of the Mackintoshes and Clan Chattan emphasises how tenuous the clannish relationship could be, and points to a society in a state of almost continuous flux as local, regional and national events impacted on individual clans, compounding issues of internal solidarity, disparity of clan estate and conflicting landlordism. The fragility of the clan was evident on a number of occasions as successive chiefs struggled to maintain clan cohesion and this argues against the view of a rigid hierarchy and for a re-evaluation of chiefly authority. Clan members

¹⁰ Paton, *Mackintosh Muniments*, no. 13. Duncan received sasine of lands of Meikle Geddes and half of Rait. Huntly may have expressed kinship in order to place greater emphasis on the relationship between the two men at a time when the Gordons were still building up their powerbase in the region, gaining the dependence of lesser families in the central Highland region.

¹¹ Fraser, *Chiefs of Grant*, iii, no. 247.

gave loyalty and obedience to a chief in return for protection and justice and chiefs had to work hard to provide effectively for the clan as a whole. But, as the Clan Chattan threatened to do in 1543 and as the Macphersons did in 1591, clansmen could switch allegiance seeking lordship from another individual more able to offer protection. The example of John Grant, fourth of Freuchy, seeking approval from his *fine* conveys the reciprocity between chief and clan, emphasising the extent to which the chief was accountable to his clan.¹²

Just as the position of the chief and the nature of the clannish relationship demands re-evaluation so too does the nature of lordship in the central and eastern Highlands. Generally perceived to be imposed from above, the evidence of the Gordons of Huntly suggests a degree of co-dependence. A lord relied on significant local figures to assist in his administrative and judicial duties, while chiefs gave their dependence and assistance in return for lordship. The ability of the earls of Huntly to impose their authority was limited by their relations with the chiefs of these clans in the central and eastern Highlands. The key factor for the Gordons was the recognition that they relied heavily on these local figures in an administrative and judicial capacity which in turn secured regional and national prominence. This was expressed in a bond of 1544 signed by the earls of Sutherland and Atholl, along with the main lairds and chiefs of the region. It stated that George Gordon, fourth earl of Huntly, lieutenant of the north and chancellor of Scotland, had shown that he was able to deal effectively with troublemakers in the region and had promised the leaders of the local community that he would continue to do so. This promise, however, was qualified because the earl

alleigis he ma not gudlie do, without we all, and euery ane of ws, for our awin partis, nocht alanerlie, lelely, treulie, and afauldie concur, ansuir and obey his lordschip . . . bot alsuo do justice as becumis ws.¹³

Nonetheless, it was through successive earls of Huntly that the crown effectively policed the central and eastern Highlands, a policy that relied firmly on the co-operation of clan chiefs.

Due to the extent of Gordon influence cross the central region, local, regional and national politics interacted, integrated and clashed on various occasions while clan chiefs like Mackintosh and Grant played vital roles not only in their locality, but also in regional affairs.

¹² *Chiefs of Grant*, iii, no. 149.

¹³ *Miscellany of the Spalding Club*, iv, 212–3.

Their shifting allegiance to the earls of Huntly and Moray during the years 1590 to 1592 clearly impacted on both men who sought to secure the loyalty of local clans. The adherence of the Mackintoshes and Clan Chattan and the Grants to Mary, Queen of Scots, in 1562 ensured military defeat for Huntly at Corrichie. However, it was not only in these instances that the politics of the locality were directly connected with national events. The crown relied heavily on the co-operation and service of clan chiefs like Mackintosh of Dunachton and Grant of Freuchy to apprehend individuals guilty of crimes within the central and eastern Highlands.¹⁴ The crown also sought to harness the military potential of clan chiefs for its own ends such as at Corrichie in 1562 or at Glenlivet in 1594. And throughout the sixteenth century the crown relied on loyal, co-operative clans as a means of extending law and order westwards, a policy initiated by James IV in the wake of the forfeiture of the isles.¹⁵

The level of interaction between the central and eastern Highlands and Lowland lords demands a re-evaluation of the view that the Highlands *en masse* were remote from the rest of Scottish society, culturally, economically, and politically. The interaction of Highlanders with cultural influences not only from the east of Scotland but across Europe has been highlighted through examination of the Book of the Dean of Lismore, while economic evidence suggests that Highland society was far from being backward or primitive despite a lack of burghs within the region.¹⁶ Although it was legislation issued by James VI in the Statutes of Iona that is often regarded as paving the way for further assimilation of Highlanders into Lowland society, this ignores the longer-term currents of interaction that existed whether through out-migration and the movement of Gaels into Lowland towns or through marriage alliances.¹⁷ Greater integration between the Highlands and Lowlands, therefore, was not a direct product of

¹⁴ Paton, *Mackintosh Muniments*, nos. 63, 102, 103, 108, 150; Fraser, *Chiefs of Grant*, iii, nos. 70, 101, 129, 153; *RPCS*, i, 125–6; v, 176–7, 179n1; *APS*, iv, 97–8.

¹⁵ Fraser, *Chiefs of Grant*, i, 87. The grant of the lands of Urquhart and Glenmoriston to John Grant, second of Freuchy, was designed to promote order and stability in the region.

¹⁶ M. MacGregor, “The view from Fortingall”, paper delivered at *The Scottish Medievalists*, Pitlochry, 2005 discusses the influences found in the Book of the Dean of Lismore; A. MacCoinnich, “Tùs gu Iarlachd: Eachdraidh Clann Choinnich, c.1466–1638” (University of Aberdeen, unpublished Ph.D. thesis, 2004), highlights Mackenzie entrepreneurship in the late sixteenth and early seventeenth centuries.

¹⁷ Burgh records also provide ample evidence of Highlanders in Scottish towns in the late sixteenth century. Witness lists of charters and marriage contracts of the

crown policy but the result of a combination of efforts on the part of both Highland society and the crown. At the same time, however, integration with Lowland society was not the result of any ideological bias within clan policy. Rather maintenance of clan unity, stability within the locality and preservation of clan lands were factors inherent in clanship that pushed these clans towards co-operation with the crown.

This study has focussed upon the Mackintoshes and Clan Chattan and the Grants based in the central and eastern Highlands and goes some way towards addressing the imbalance in current Highland historiography.¹⁸ Although somewhat limited in breadth this in-depth study adopted a long chronological approach in order to acquire a more sophisticated understanding of individual clans, their locality in the central and eastern Highlands, and their interaction with and reaction to regional lordship and crown intervention. The examination of the complex interaction of local, regional and national politics has highlighted how events in one area cannot be examined in isolation nor can the Highlands continue to be regarded as separate from the rest of Scottish history. It has offered a more detailed understanding of how clan society operated and in seeking to move beyond the traditional view of clanship has pointed to the ties of kinship and clientage, socio-economic and political manrent along with customary possession of, and tenurial right to, land as factors which shaped and moulded Highland society, suggesting a fluid clan composition and greater degree of accountability on the part of the chief towards his clan.¹⁹ Placing local political events within a wider context, this examination of Mackintosh and Grant dependence on successive earls of Huntly has raised questions concerning the nature of lordship, the nature of regional political power and ultimately, the nature and extent of royal authority.

Mackintoshes and Clan Chattan suggest a higher proportion of Lowland families in the late sixteenth and early seventeenth centuries than previously when chiefs had relied on cadet branches and satellite kindreds as well as local allies.

¹⁸ Although clan society is no longer regarded as homogenous, the divergence in experience between the west Highlands and isles and the central and eastern region needs greater acknowledgement.

¹⁹ Fraser, *Chiefs of Grant*, iii, no. 149.

APPENDICES

LIST OF CHIEFS

Table showing dates of succession of chiefs of the Mackintoshes and Clan Chattan, chiefs of the Grants of Freuchy, and the Gordon earls of Huntly

<i>Date</i>	<i>Chiefs of Mackintosh and Clan Chattan</i>	<i>Chiefs of Grant</i>	<i>Earls of Huntly</i>
pre-1451	Malcolm, tenth chief	Duncan, first of Freuchy	Alexander Seton, first earl
1463	Duncan, eleventh chief		
1470			George Gordon, second earl
1485		John, second of Freuchy	
1496	guardianship of William, later thirteenth chief, while Ferquhard, twelfth chief in captivity		
1501			Alexander Gordon, third earl
1513	Ferquhard resumes chiefship		
1514	William of Dunachton succeeds in own right as thirteenth chief		
1515	Lauchlan of Dunachton, fourteenth chief		
1524	William of Dunachton, fifteenth chief, in minority until 1540–41		George Gordon, fourth earl, in minority until 1529–30
1528		James, third of Freuchy	
1550	Lauchlan of Dunachton sixteenth chief, in minority until 1567		

Table 1 (*cont.*)

<i>Date</i>	<i>Chiefs of Mackintosh and Clan Chattan</i>	<i>Chiefs of Grant</i>	<i>Earls of Huntly</i>
1553		John, fourth of Freuchy	
1562			death and forfeiture of fourth earl
1566–67			George Gordon, fifth earl restored to father's estate
1576			George Gordon, sixth earl in minority until 1586; created marquis in 1599
1585		John, fifth of Freuchy	
1604	Lauchlan of Dunachton, seventeenth chief, in minority until 1613		

CHRONOLOGY

Chronology of main events and alliances, 1451 to 1609

<i>Date</i>	<i>National</i>	<i>Regional/local</i>
1451	grant of lordship of Badenoch to Alexander, first earl of Huntly	
1463		Alexander Shaw receives feu of Rothiemurchus from David Stewart, Bishop of Moray
1466		Duncan Mackintosh, eleventh chief, receives lands in Lochaber and bailiary of them from John MacDonald, earl of Ross and Lord of the Isles
1475		Duncan Mackintosh receives sasine of Rothiemurchus from the crown
1476	forfeiture of Lordship of the Isles, regranted as lordship of parliament minus earldom of Ross and other lands	Duncan Mackintosh renounces all right and claim to Rothiemurchus in favour of Alexander Shaw
1494/5	personal rule of James IV begins	
1495		Ferquhard, son and heir of Duncan Mackintosh, imprisoned along with Kenneth Mackenzie of Kintail
1497		William Mackintosh, guardian and later thirteenth chief, gives bond of manrent to George, second earl of Huntly
1501	earls of Huntly and Argyll issued with commissions to deal with unrest in the west following forfeiture of the isles	
1502		William Mackintosh inherits barony of Dunachton; subsequent Mackintosh chiefs designated 'of Dunachton'

Chronology (*cont.*)

<i>Date</i>	<i>National</i>	<i>Regional/ local</i>
1503	rebellion of Donald Dubh, grandson of John Macdonald, fourth Lord of the Isles, new forfeit	
1509		John Grant, second of Freuchy receives lands of Urquhart and Glenmoriston
1510		marriage of Muriel, heiress of Cawdor to John Campbell, third son of Archibald Campbell, second earl of Argyll
1513	battle of Flodden, death of James IV, succession of James V aged eighteen months	Ferquhard Mackintosh, twelfth chief, released from captivity; island rebellion led by Donald of Lochalsh; quickly put down but a subsequent rising occurred when Lochalsh joined by Alexander MacDonald of Dunivaig and the Glens
1515		James Stewart, earl of Moray, granted wardship and marriage of heir to the Mackintosh chiefship
1517		John Grant, second of Freuchy receives remission of rents following devastation of lands in recent rebellion by Lochalsh
1520		bond between Grant of Freuchy, his son and heir James, and Ewen Allanson, chief of the Clan Cameron
1528	personal rule of James V begins	commission issued by James V against the Clan Chattan
1530		bond of manrent from Hector Mackintosh to James Stewart, earl of Moray
1532		bond of manrent from Hector Mackintosh to George Gordon, fourth earl of Huntly
1540	James V's circumnavigation of his realm	number of west Highland and island chiefs imprisoned
1542	death of James V, succession of Mary aged one week	

Chronology (*cont.*)

<i>Date</i>	<i>National</i>	<i>Regional/ local</i>
1543		Clan Chattan bond of manrent to earl of Huntly, followed by bond of manrent by William Mackintosh of Dunachton, fifteenth chief, to Huntly
1543–47	'Rough Wooing' of Scotland	
1544		lands of Urquhart and Glenmoriston attacked by Clan Cameron and Clanranald
1545		abortive rebellion of Donald Dubh; bond between James Grant, third of Freuchy, William Mackintosh of Dunachton, John Mackenzie of Kintail, Alexander Ross of Balnagown and Hector Munro of Foulis on one part and George, earl of Huntly, on the other whereby Huntly sought to acquire the earldom of Ross
1546		Grant of Freuchy receives remission following attacks on his land
1548	Mary, Queen of Scots, sent to France under the terms of the Treaty of Haddington	
1549	George Gordon, earl of Huntly, receives administration of the earldom of Moray, along with the lordships of Abernethy, Petty, Breachly and Strathdearn	bond between Grant of Freuchy and Ewen Cameron of Locheil
1550		execution of William Mackintosh of Dunachton, fifteenth chief; Gilbert Kennedy, third earl of Cassillis, takes control of the clan
1554	Mary of Guise assumes the regency; fall of Huntly, stripped of the office of chancellor and earldom of Moray	
1555	Huntly restored, regains office of chancellor	John Grant, fourth of Freuchy, receives commission to act as justiciar in Strathspey, Urquhart, Glenmoriston and Strathdoun

Chronology (*cont.*)

<i>Date</i>	<i>National</i>	<i>Regional/ local</i>
1557	Huntly appointed lieutenant-general of north of Scotland	
1560	Reformation parliament renounces papal authority	
1561	return of Mary, Queen of Scots	following death of Cassillis, Donald Mackintosh of Culernye elected as guardian of the clan
1562	earldom of Moray granted to Lord James Stewart battle of Corrischie results in posthumous forfeiture of earl of Huntly, forfeiture and execution of his son John	
1564	earl of Moray appointed lieutenant-general of the north of Scotland	
1566		Grant of Freuchy receives tenurial right to Rothiemurchus
1566–67	George Gordon restored to his father's estates as fifth earl of Huntly, later known as 'cock of the north'	
1567	deposition of Mary, Queen of Scots; coronation of James VI; Moray appointed as regent	
1568	Mackintosh of Dunachton, sixteenth chief, Grant, fourth of Freuchy, and Huntly all sign bond in queen's defence	attempt by Lauchlan Mackintosh of Dunachton, sixteenth chief to end dispute with Grant of Freuchy regarding lands of Rothiemurchus; reconciliation between Mackintosh of Dunachton and Huntly
1569	Mackintosh of Dunachton and Grant of Freuchy submit to Regent Moray and promise to defend the king; Huntly also persuaded to join king's party	
1570	assassination of Regent Moray; Huntly returns to Queen's Party	bond between Angus MacDonald of Glengarry and Grant of Freuchy
1572	Huntly again persuaded to join the Queen's Party (briefly)	series of bonds between Colin Mackenzie of Kintail and Grant of Freuchy

Chronology (*cont.*)

<i>Date</i>	<i>National</i>	<i>Regional/ local</i>
1573	end of Marian civil war with fall of Edinburgh Castle to James Douglas, fourth earl of Morton, Regent	
1579		bond of manrent by Mackintosh of Dunachton to John Stewart, earl of Atholl, Lord Balveny
1581	Morton executed for his part in Darnley's murder; Negative Confession	
1582–83	Ruthven Raid resulted in seizure of James VI and flight of Esmé Stewart, duke of Lennox, back to France	
1584	'Black Acts' passed; death of Colin Campbell, sixth earl of Argyll, and minority of Archibald Campbell, seventh earl	
1584–85	personal rule of James VI begins	bond between Mackintosh of Dunachton and John Grant, fifth of Freuchy
1586		bond of manrent from Grant of Freuchy to George Gordon, sixth earl of Huntly; bond of manrent from Donald Gorm MacDonald of Sleat to the earl of Huntly; resolution of dispute between Mackintosh and Grant regarding Rothiemurchus
1587	act outlining the central and eastern Highlands as a region in need of law and order, separate from the west Highlands and Isles and the Borders	dispute between the Grants and Gordons breaks out; mutual bond of maintenance between Mackintosh of Dunachton, Donald Gorm of Sleat, and Angus MacDonald of Dunivaig
1589	the English intercept letters between Huntly and Philip II of Spain; marriage of James VI and Anne of Denmark; Mackintosh of Dunachton and Grant of Freuchy sign bond for the king's defence	exchange of bonds of manrent and maintenance between Huntly and Mackintosh of Dunachton; bond of manrent from Allan Cameron of Locheil to Grant of Freuchy

Chronology (*cont.*)

<i>Date</i>	<i>National</i>	<i>Regional/ local</i>
1590		death of member of Gordon family escalates into feud involving Huntly and James Stewart of Doune, earl of Moray; many clans/ kindreds of the north dragged into the unrest;
1591	James VI attempts to reconcile Huntly and Mackintosh of Dunachton	bond by Allan Cameron of Lochail to Huntly promising assistance against Mackintosh of Dunachton and Grant of Freuchy; Macphersons split from the Clan Chattan and secure protection of Huntly; brief reconciliation between Huntly, Mackintosh of Dunachton and Grant of Freuchy
1592	murder of Moray at his house at Donibristle; murder of Sir John Campbell of Cawdor; discovery of the 'Spanish Blanks' affair forces Huntly and other Catholic earls into rebellion	unrest breaks out following murder of Moray; Mackintosh of Dunachton and Grant of Freuchy realign against Huntly; Huntly contracts bond with Alexander MacDonald of Keppoch; Grant of Freuchy makes bond excepting allegiance to Huntly
1594	Battle of Glenlivet sees Archibald Campbell, seventh earl of Argyll, lead crown forces into defeat against Huntly Act of Parliament demands a list be made of clans that will co-operate with the crown	Grant of Freuchy contracts bonds with cadet branches
1595	flight of the Catholic earls	Mackintosh of Dunachton contracts bond with cadet branches and satellite kindreds
1597	Huntly and Erroll rehabilitated after a public conversion to Protestantism; two Acts of Parliaments—one lays foundation for three burghs in the Highlands; the other requires all landholders in the region to present titles	bond of manrent from Mackintosh of Dunachton to John Stewart, earl of Atholl, Lord Balveny; mutual bond between Mackintosh of Dunachton and Kenneth Mackenzie of Kintail; Mackintoshes of Gask give bond of manrent to Huntly
1598	James gives authorisation for plantation of Lewis via the Gentlemen Adventures of Fife	

Chronology (*cont.*)

<i>Date</i>	<i>National</i>	<i>Regional/ local</i>
1600		Angus Williamson of Temitt and sons give bond of manrent to Huntly (created marquis in 1599)
1601		dispute with Jean Campbell regarding lands granted to her in liferent settled through arbitration
1603	James VI inherits thrones of England and Ireland on death of Elizabeth I	Mackintosh of Dunachton put to the horn for failure to deal with broken men on his lands and failure to maintain law and order
1604		death of Mackintosh of Dunachton; William Mackintosh of Benchar elected guardian in minority of seventeenth chief
1607	privy council order Mackintosh of Benchar and other principal men of Mackintoshes and Clan Chattan to appear and give surety for good behaviour during minority of their chief;	
1608	Fife experiment abandoned	
1609	Statutes of Iona emphasise new policy of co-operation with west Highland and island chiefs	bond of union of Mackintoshes and Clan Chattan

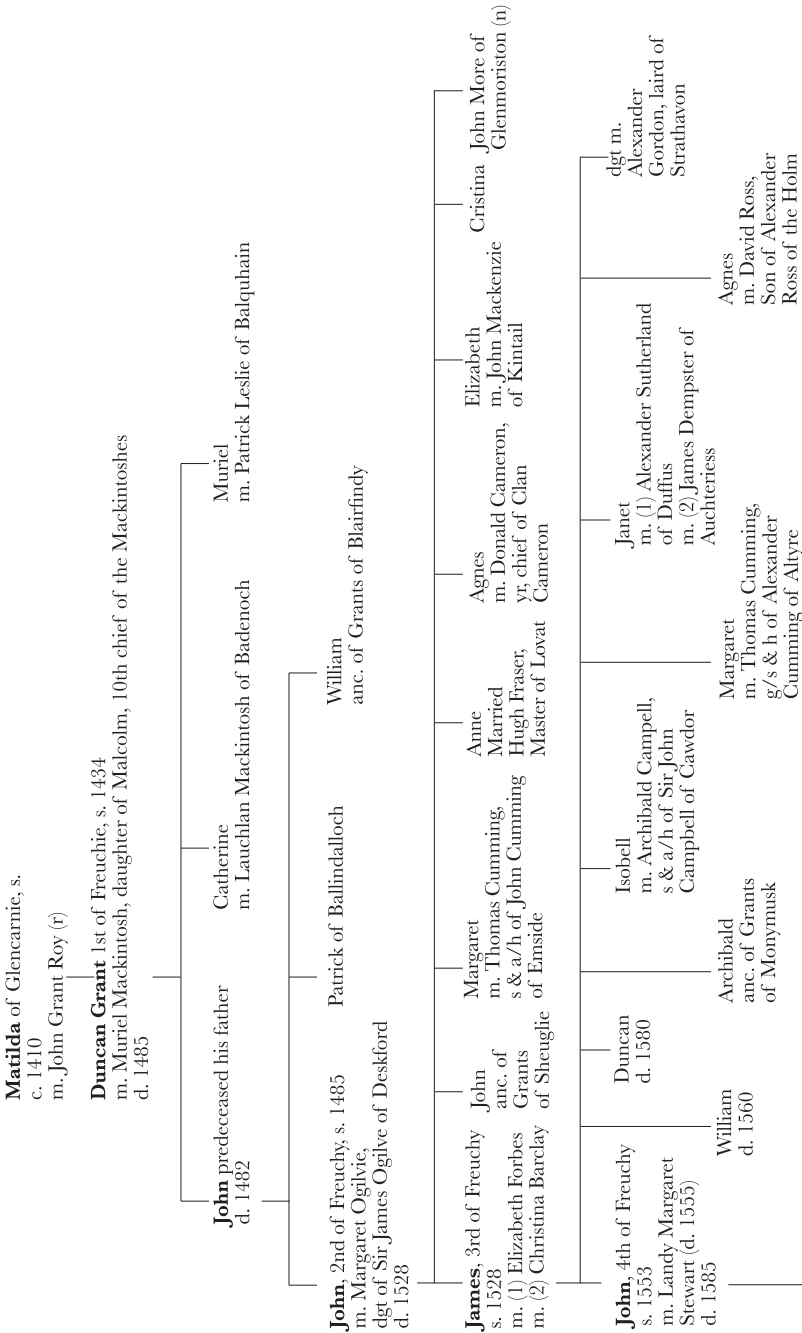
FAMILY TREES

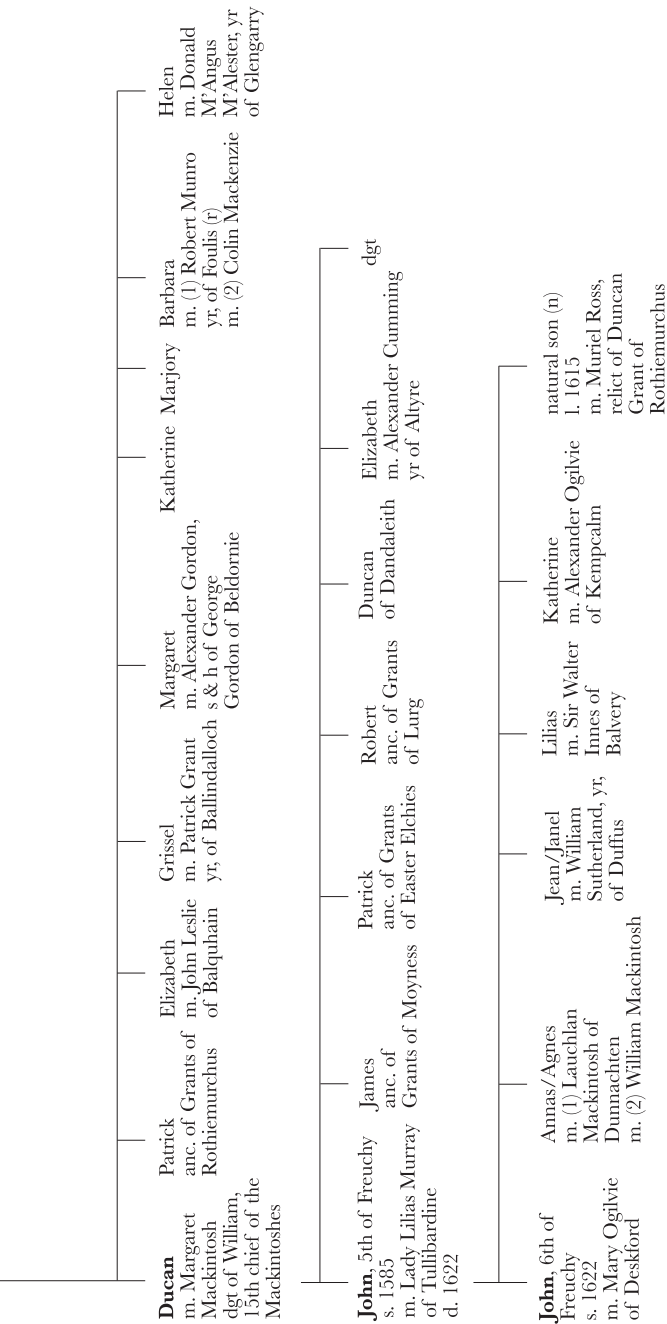
- Grants of Freuchy, based on Fraser, *Chiefs of Grant*, i.
- Mackintoshes and Clan Chattan, based on Mackintosh of Kinrara, 'Origin and Increase of the Mackintoshes'. Please note that for reasons of clarity and space, the line from Duncan Mackintosh, eleventh chief, to his children continues down to the end of the family tree where Ferquhard, twelfth chief, and his descendants are shown.

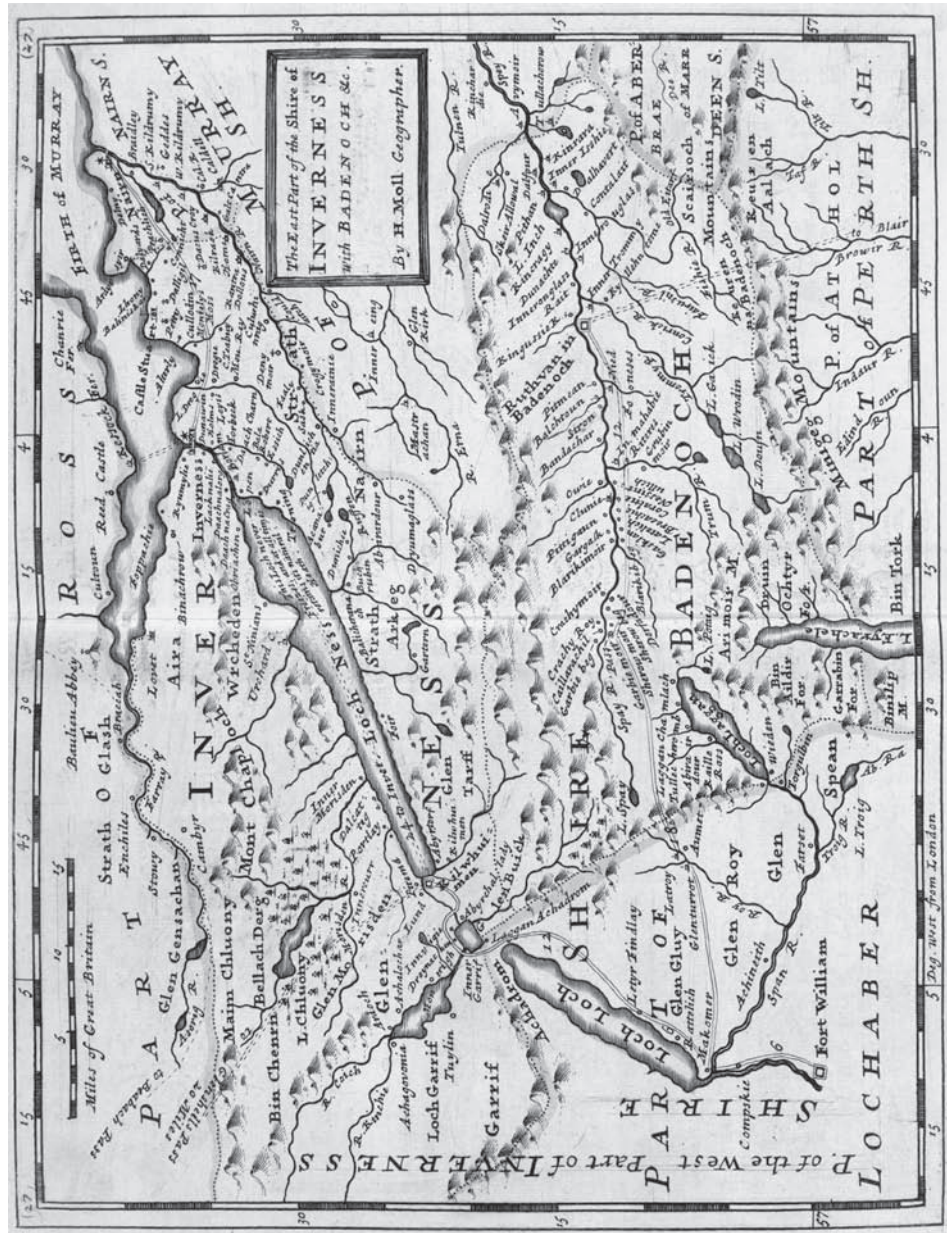
Key

s.	succeeded
m.	married
d.	died
dgt	daughter
s&h	son & heir
s&a/h	son & apparent heir
g/s&h	grandson & heir
anc.	ancestor
yr	younger
(n)	natural/illegitimate

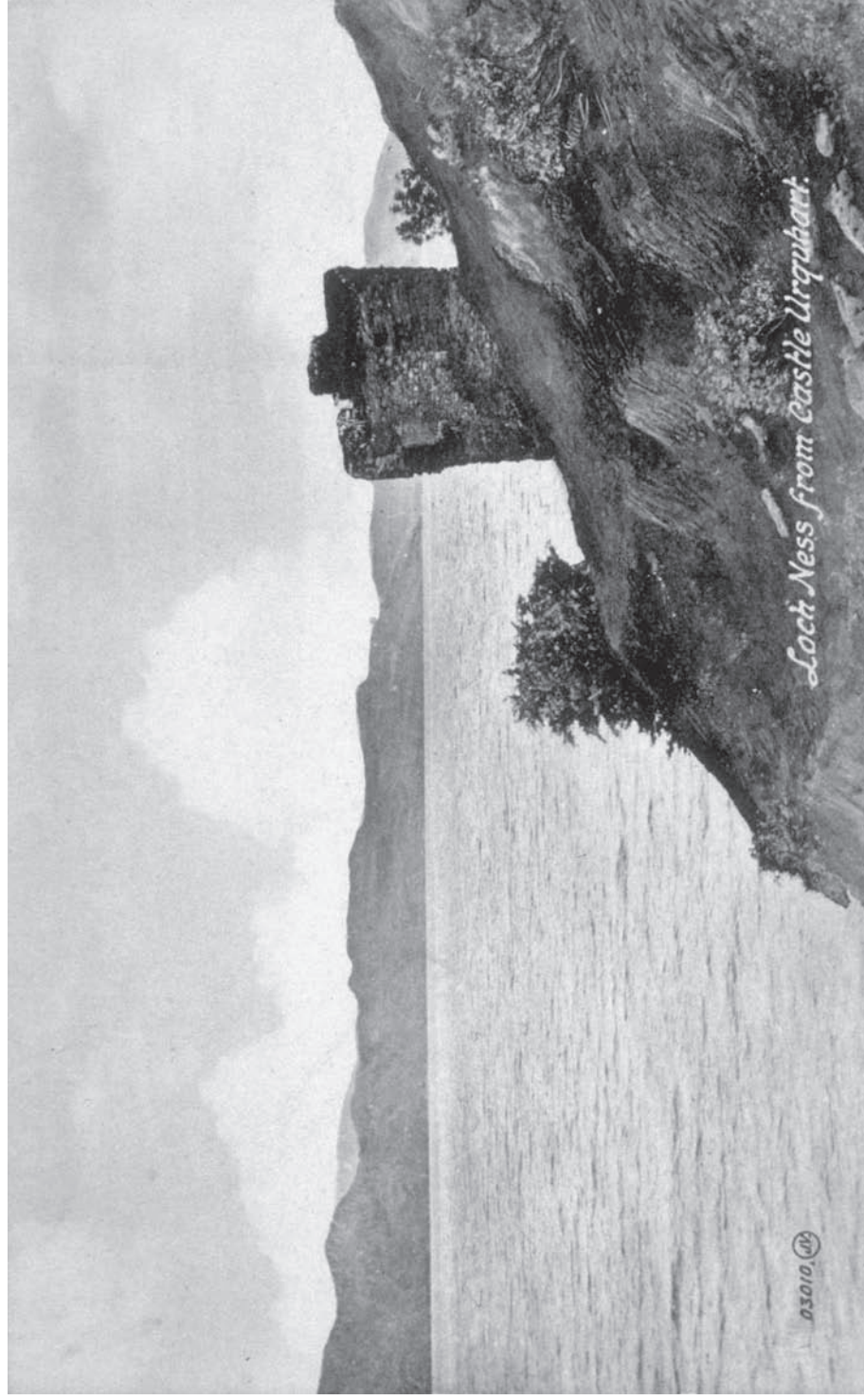
GRANTS OF FREUCHY







1. Map of the east part of Inverness-shire with Badenoch by H. Moll, geographer. © National Library of Scotland/
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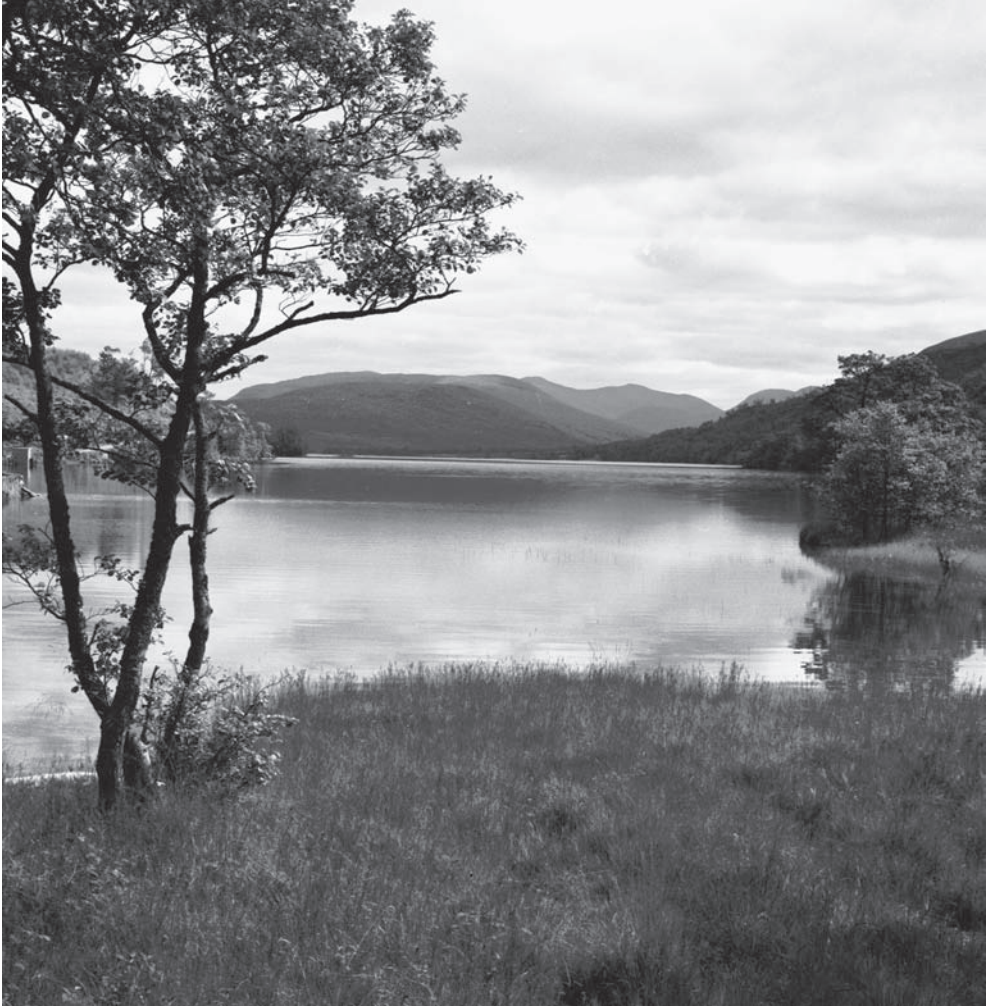
2. Loch Ness from Urquhart Castle. © St Andrews University Library/Licensed via www.scran.ac.uk.



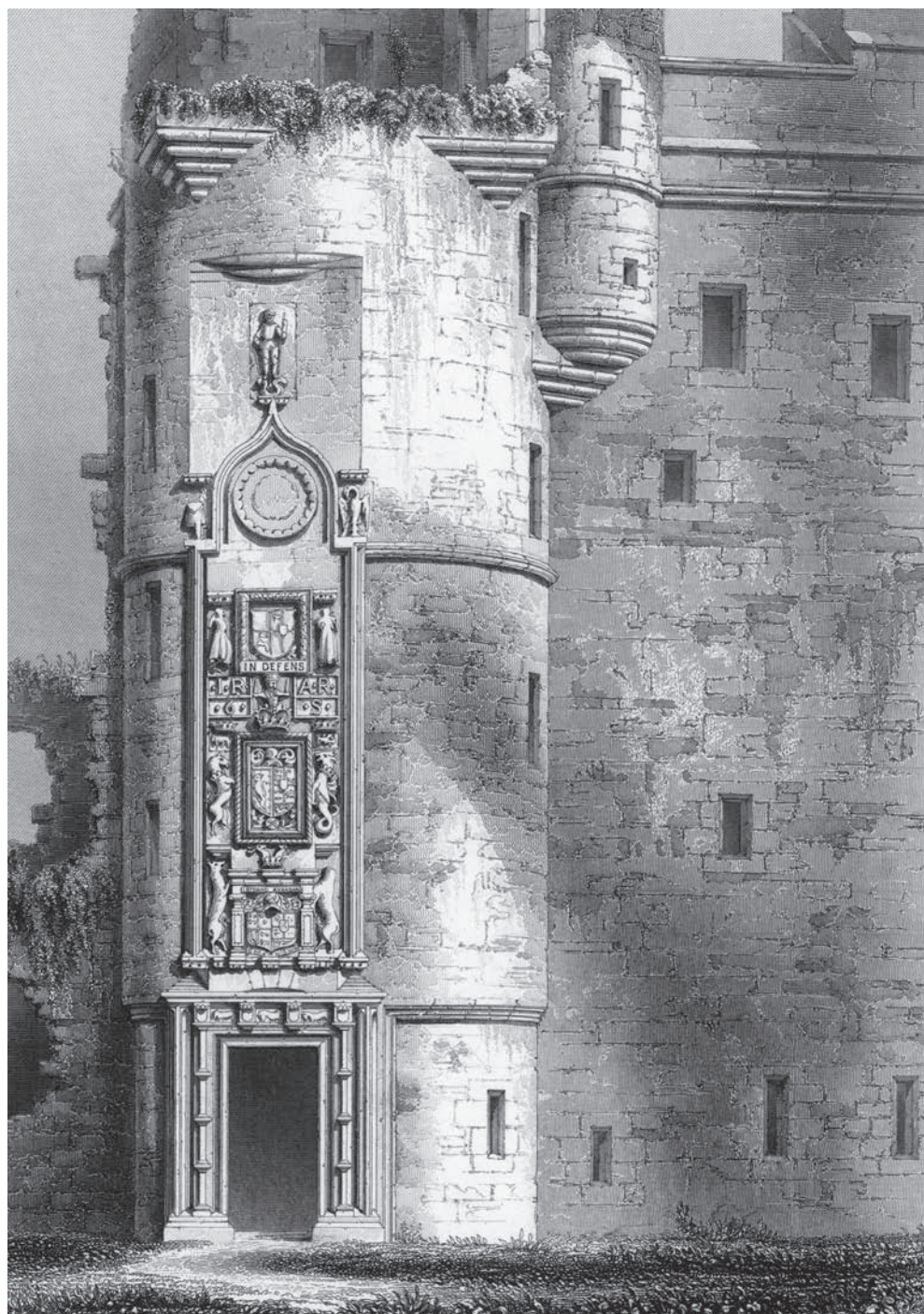
3. Ancient carved stones at Finlaggan, seat of the Lords of the Isles, Islay, Argyll, in around 1950. © Scottish Life Archive/Licensed via www.scran.ac.uk.



4. Inverness Castle, exterior. © James Gardiner/Licensed via www.scran.ac.uk.



5. Loch Arkaig, Inverness-shire. © The Scotsman Publications Ltd. Licensed via www.scran.ac.uk.



6. Huntly Castle, seat of the Gordons of Huntly. © University of Strathclyde/Licensed via www.scran.ac.uk.



7. Crest of Mackintosh and Macpherson with the motto 'Touch not the Cat but a Glove'.
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8. Loch an Eilein Castle in Rothiemurchus. © Courtesy of University of St Andrews Library.

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